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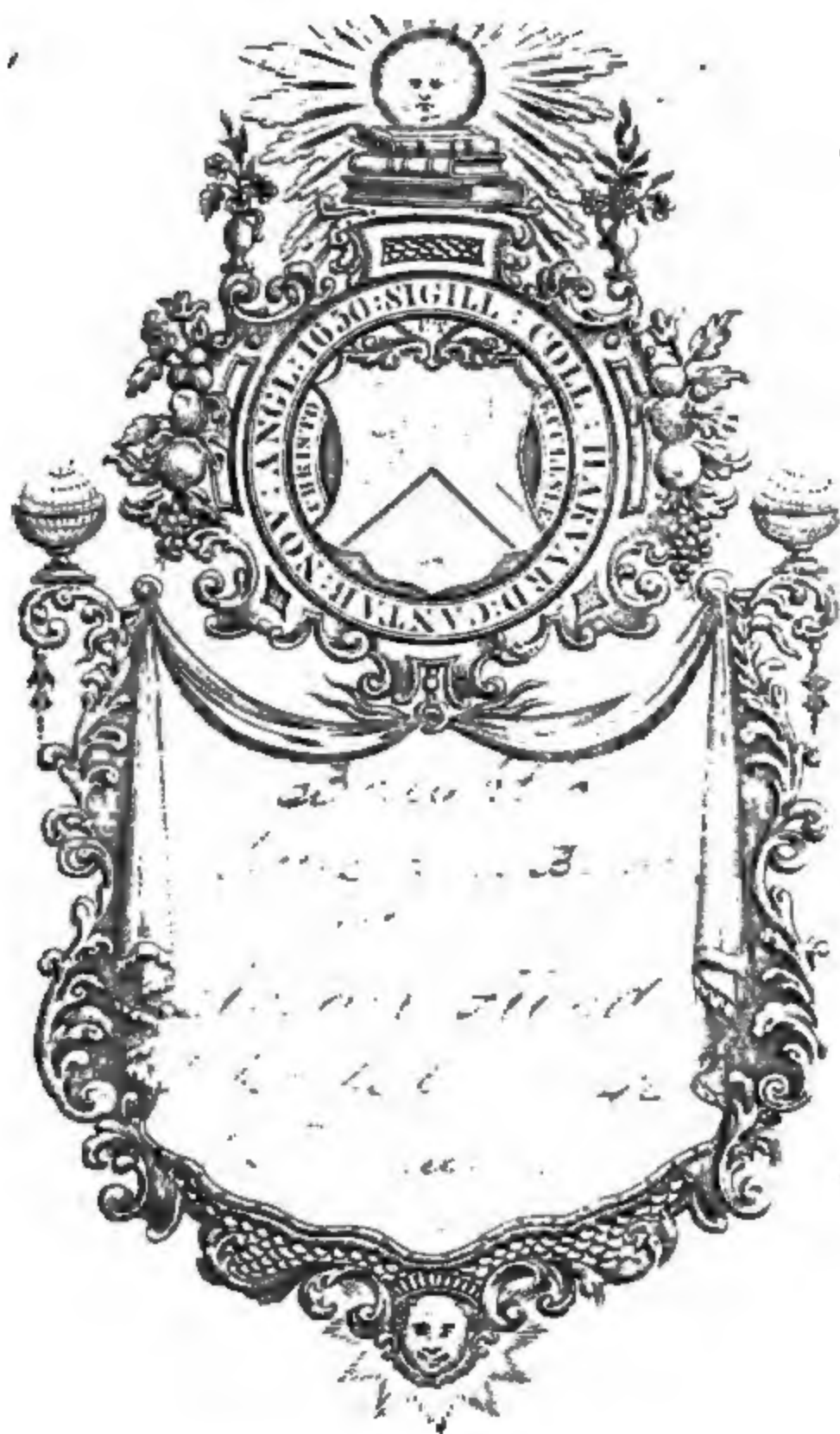
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THE
L I F E
OF
THOMAS JEFFERSON,
THIRD PRESIDENT
OF THE
UNITED STATES.
WITH
PARTS OF HIS CORRESPONDENCE NEVER BEFORE PUBLISHED,
AND
NOTICES OF HIS OPINIONS ON QUESTIONS OF CIVIL GOVERNMENT, NATIONAL
POLICY, AND CONSTITUTIONAL LAW.

BY GEORGE TUCKER,
PROFESSOR OF MORAL PHILOSOPHY IN THE UNIVERSITY OF VIRGINIA.

—Itaque nulla alia in civitate, nisi in qua populi potestas summa est, ullum
domicillium libertas habet: qua quidem certe nihil potest esse dulcius; et quæ si æqua
non est, ne libertas quidem est.—CIC. DE REPUBLICA

IN TWO VOLUMES
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1797.

WE have seen that Mr. Jefferson, in noticing the recent election to his friends, always spoke of its result as a matter of congratulation rather than of regret, and that the chief reason which he assigned for his satisfaction was the very embarrassed state of our foreign affairs. Nor did he overrate their difficulties. From the moment of Mr. Jay's mission to England, symptoms of jealousy and mistrust were manifested by the French government, that the treaty was dictated by a wish to form a closer connexion with England, and that its consequences would be injurious to the interests of France and her influence

in the United States. When that treaty moreover was concluded, and it was seen that the fears previously entertained were confirmed, and that a large part—apparently a majority of the nation—disapproved it, the French government no longer concealed its dissatisfaction.

Whilst one of the grounds of complaint against the administration was, their want of attachment to France, and their leaning towards England, it was natural for the French government to adopt the same feelings, if from no other motive, for the sake of preserving and increasing their influence in the United States. And although Mr. Genet's intemperate course was not justified, yet the spirit which dictated it was transmitted to his successors, and they endeavoured, by more discreet means, to keep alive all that popular favour towards France and her cause, and hatred of her great rival and enemy, which the people of this country had recently evinced. There had therefore never been a cessation of remonstrance and complaint against some of the measures of the administration; nor any occasion lost of paying court to the people; nor of inflaming their prejudice against Great Britain. It was no doubt intended as a stroke of policy to counteract this discontent, that Mr. Monroe, who was known to be warmly attached to the French revolution, the confidential friend of Jefferson, and one of the opponents of the administration, had received his appointment.

The measure had its intended effect; but the benefit was merely temporary. The directors reiterated the complaints which their friends here had made against the British treaty, and pressed them with so much earnestness that we see not how the United States could take any course which must not either openly violate the treaty, or exasperate the French government, and alienate their friends in the United States.

The blame of this state of things was thrown by many on the unwise councils of the government, which were attributed to its predilection for Great Britain over France. But they seem rather due to the conflict between those nations; for when we consider the bitter animosity which was felt by both nations, it was scarcely practicable how the government could have steer-

ed clear of a war with either England or France, and the question only to be considered was, which would have most affected the honour, and most impeded the prosperity of the country. Had the government not firmly resisted and diligently counteracted the popular sentiment towards France, or had not many of the causes of collision been removed by the British treaty, a war with England would have been inevitable; but after that treaty, no course of mere neutrality would probably have restored the confidence and friendly feelings of France. In short, encouraged by the known partiality of the American people, nothing would have satisfied France apparently, but war against Great Britain: and her unfriendly sentiments were yet further excited by the recall of Mr. Monroe, whose only offence was supposed to be his too kind feelings towards France.

Mr. Jefferson showed his aversion to ceremony and parade, by requesting one of the senators from Virginia to dispense with the practice, which had been observed on a former occasion, of sending a special deputation to notify his election. He thinks that it would always be better to make the communication by the post, as the least troublesome, the quickest, and the surest.

He notices on the same day to Mr. Madison, the doubts which had been expressed as to the validity of the Vermont election, and expresses a wish that Mr. Madison would declare that on every occasion, foreseen or not foreseen by him, he was in favour of the choice of the people, substantially expressed, and anxious to prevent "the phenomenon of a *pseudo-president* at so early a day." In a subsequent letter to the same gentleman he reciprocates the feelings of friendship which he learns that Mr. Adams has expressed towards him; but adds, "as to participating in the administration, if by that he meant the Executive Cabinet, both duty and inclination will shut the door to me. I cannot have a wish to see the scenes of 1793 revived as to myself, and to descend daily into the arena like a gladiator, to suffer martyrdom in every conflict."

Of our foreign policy he thus speaks. "I sincerely deplore the situation of our affairs with France. War with them, and consequent alliance with Great Britain, will completely com-

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pass the object of the Executive council, from the commencement of the war between France and England; taken up by some of them from that moment; by others, more latterly. I still however hope it will be avoided. I do not believe Mr. Adams wishes war with France; nor do I believe he will truckle to England as servilely as has been done. If he assumes this front at once, and shows that he means to attend to self-respect and national dignity with both nations, perhaps the depredations of both on our commerce may be amicably arrested. I think we should have begun first with those who first began with us, and by an example on them, acquire a right to redemand the respect from which the other party has departed."

The letter to Mr. Adams of December 28th, so expressive of the friendly sentiments which once existed between them, and of a wish to renew their former intercourse, Mr. Madison, exercising the discretion vested in him, thought proper not to deliver. Entirely approving of Mr. Madison's course, who could better appreciate all the circumstances for and against it, he speaks in the same spirit of good feeling and esteem of Mr. Adams as before. He hopes that "he shall be made a part of no ceremony whatever;" says that he should "escape into the city as covertly as possible," and "if Governor Mifflin should show any symptoms of ceremony," he prays Mr. Madison will contrive to parry them.

In the latter part of February, he prepared to leave home for Philadelphia, to be installed into his new office of vice-president and president of the Senate. After having remained in retirement just three years, with a seeming disgust of the cares and contentions of public life, we find him prepared to enter again on the same busy theatre, but to perform a far more easy part. But this circumstance furnishes no more evidence of his former insincerity, than the impatience so generally manifested by the sailor to go to sea again, shows that he had not been serious when on his last escape from shipwreck he had determined never more to trust himself to the hazards of winds and waves. Besides, it must be recollected that the office which he now accepted was one which made the transition from his pre-

sent mode of life less violent than any other. It allowed him to be at home nearly two-thirds of the year, was neither preceded nor followed by any special duties, and required the performance at no time of any other than those of presiding over the deliberations of the Senate, a body consisting then of but 32 members, and distinguished for the order and quiet dignity of its proceedings. And as the presiding officer is not entitled to a vote, except when the Senate is equally divided, he is excluded from the angry conflicts of party, and may, if it suits his temper, be a mere spectator, and a calm spectator too, of the field of controversy. It was these circumstances of security, together with the strong disgust with which he had witnessed the scenes of party strife three years before, which recommended the present office to his favour. We may also presume that the pleasures of refined and intelligent society, of which he could now partake, without that alloy which formerly attended them, contributed their share in making the change agreeable.

Nor is it unlikely that the salary attached to the office was not insignificant in his eyes,* for although he was never covetous of money, and had always shown as much disinterestedness as any of his compatriots, yet his estate, ample as it was, had never been productive, and he was even then in debt. His correspondence shows too that the claims on his bounty were sufficiently numerous and frequent to exhaust a much larger and better managed estate than his own ever was. Besides he had always shown a decided taste—almost a passion for building. He had, in his Notes of Virginia, severely criticised the architecture of his native state; his interest in the art, as well as his knowledge of it, had been greatly improved by observation during his residence in France, and he was stimulated both by his own predilections, and by the severity of his former strictures, to give his countrymen a better specimen of architectural skill; being aware that he who had been so unsparing of his criticisms on others, would himself be the object of rigid scrutiny. He had

* This conjecture has received confirmation from that friend who best knew his situation and was most in his confidence.

therefore been for some time engaged in enlarging and embellishing his house at Monticello, and had more than once, for the correction of some unforeseen defect, or in execution of some happier after thought, been engaged in pulling down, and rebuilding what had been recently constructed.

From all these considerations he probably entered on the duties of his new office with more unmixed satisfaction than if he had been chosen chief magistrate, beset as it was with difficulties and dangers; and the gratification afforded by the second office in the nation, as well as from the almost equal vote for the first, had on his happy temper, the effect of putting him in a good humour with all the world. It was in this spirit of benignity and good feeling that he wrote the letter to Mr. Adams, which Mr. Madison, who was at the principal scene of the war, and in the thickest of the fight, deemed it unseasonable to deliver, as one which was almost certain to produce no reciprocal feelings in Mr. Adams, and to have no other effect than to make him question either the sincerity or self-respect of the writer.

Mr. Jefferson arrived in Philadelphia on the 2nd of March, for the purpose of taking the oath required as vice president, and becoming for a time the guest of Mr. Madison, he waited on Mr. Adams, the president elect, who, on the next morning, returned his visit. Of this visit Mr. Jefferson gives the following account:

“He found me alone in my room, and shutting the door himself, he said he was glad to find me alone, for that he wished a free conversation with me. He entered immediately on an explanation of the situation of our affairs with France, and the danger of a rupture with that nation, a rupture which would convulse the attachments of this country; that he was impressed with the necessity of an immediate mission to the Directory; that it would have been the first wish of his heart to have got me to go there, but that he supposed it was out of the question, as it did not seem justifiable for him to send away the person destined to take his place, in case of accident to himself, nor decent to remove from competition one who was a rival in the public favour. That he had therefore concluded to send a mission, which, by its dignity, should satisfy France, and by its se-

lection from the three great divisions of the continent, should satisfy all parts of the United States; in short, that he had determined to join Gerry and Madison to Pinckney, and he wished me to consult Mr. Madison for him."

Mr. Jefferson concurred in the propriety of the remarks as to himself, and added that his inclinations would never permit him to cross the Atlantic again; that he would consult with Mr. Madison, but feared he would not accept, as he had invariably refused the same mission during General Washington's administration; which opinion, on consulting Mr. Madison, was confirmed. A few days afterwards, on Mr. Adams being informed of Mr. Madison's determination, he said that, on consultation, some objections to that nomination had been raised which he had not contemplated, and he proceeded with excuses which evidently embarrassed him, until they parted.* Mr. Jefferson's natural inference from the preceding facts was, that "Mr. Adams, in the first moments of the enthusiasm of the occasion (his inauguration) forgot party sentiments, and as he never acted on any system, but was always governed by the feeling of the moment, he intended for the time to steer impartially between the parties, but that on meeting his cabinet two or three days afterwards, he had been diverted by it from his first purpose, to favour party objects.

Mr. Jefferson soon returned to Monticello after the inauguration, and continued there till the last of April, when he again set out for Philadelphia, as Congress was convened on the 15th May. It appears by a letter of Mr. Jefferson to Mr. Gerry of Massachusetts, that his good feelings towards Mr. Adams had then undergone no abatement. He takes this occasion of parrying the charge of inconsistency for again accepting office, declaring that when he left the place of secretary of state, it was in the firmest contemplation of never more returning to Philadelphia: that the suggestions in the newspapers that he was looking to the presidential chair, he considered as intended merely to excite odium against him: that he never in his life exchanged a word with any person on the subject, until he was

* Jeff. Cor., Vol. IV.

generally brought forward as a competitor with Mr. Adams, confidently adding what his whole correspondence confirms:—
“Those with whom I then communicated could say, if it were necessary, whether I met the call with desire, or even with a ready acquiescence; and whether, from the moment of my first acquiescence, I did not devoutly pray that the very thing might happen that has happened. The second office of this government is honourable and easy, the first is but a splendid misery.”

In adverting to the attempts which would be made to create discord between him and Mr. Adams, Mr. Jefferson remarks:—
“These machinations will proceed from the Hamiltonians by whom he is surrounded, and who are only a little less hostile to him than to me. It cannot but damp the pleasure of cordiality when we suspect it is suspected. I cannot help thinking that it is impossible for Mr. Adams to believe that the state of my mind is what it really is; that he may think that I view him as an obstacle in my way. I have no supernatural power to impress truth in the mind of another, nor he any to discover that the estimate which he may form, on a just view of the human mind, as generally constituted, may not be just in its application to a special constitution. This may be a source of private uneasiness to us; I honestly confess that it is so to me at this time.”

On our foreign relations he says, “I do sincerely wish with you that we could take our stand on a ground perfectly neutral and independent towards all nations. It has been my constant object throughout public life: and with respect to the English and French, particularly, I have too often expressed to the former my wishes, and made to them propositions, verbally and in writing, officially and privately, to official and private characters, for them to doubt of my views, if they would be content with equality. Of this they are in possession of several written and formal proofs, in my own hand writing. But they have wished a monopoly of commerce and influence with us, and they have in fact attained it. When we take notice that their’s is the workshop to which we go for all we want; that with them centre, either immediately or ultimately, all the labours of our

hands and lands; that to them belongs, either openly or secretly, the great mass of our navigation; that even the factorage of their affairs here is kept to themselves by factitious citizenships; that these foreign and false citizens now constitute the great body of what are called our merchants, fill our sea-ports, are planted in every little town and district of the interior country, sway every thing in the former places by their own votes, and those of their dependants in the latter, by their insinuations and the influence of their legers; that they are advancing fast to a monopoly of our banks and public funds, and thereby placing our public finances under their control; that they have in their alliance the most influential characters in and out of office; when they have shown that by all these bearings on the different branches of the government, they can force it to proceed in whatever direction they dictate, and bend the interests of this country entirely to the will of another; when all this, I say, is attended to, it is impossible for us to say we stand on independent ground—impossible for a free mind not to see and to groan under the bondage to which it is bound. If any thing after this could excite surprise, it would be that they have been able so far to throw dust in the eyes of our own citizens, as to fix on those who wish merely to recover self-government, the charge of subserving one foreign influence because they resist submission to another.”

This picture of the means which England then possessed of influencing public opinion in the United States, will scarcely appear exaggerated to those who were acquainted with the state of the times; but it must be remembered that it required their united force to counteract the national animosity which the war of independence, then fresh in the recollections of all, had engendered, and the lively sympathy for the French nation felt by the American people. The very circumstance that the subjects of Great Britain, priding themselves on their birth-place, and avowing their attachment to her government, and hatred for her great rival, were to be seen in every part of our country, produced a degree of reaction which was sometimes equivalent to their direct influence. As a proof of it, the anti-Anglican

party was often the predominant one in our large cities, where English capital, English agents, and English emigrants were the most numerous; and the disposition to a general amnesty of the past, and a revival of the friendly sentiments of kindred nations, descended from the same stock, having the same language, religion and laws, and not alien in interest, was no where so strong as in New England, where the number of native English was comparatively fewer than in any other part of the Union.

Some of the evidences adduced by Mr. Jefferson of English influence, must be regarded as the exaggerations of prejudice, from which no leading politician of the United States, of either party, was then exempt; as when he says, "at this very moment they would have drawn us into a war on the side of England, had it not been for the failure of her bank." And he even attributes to English intrigue, a proposition then made in a Connecticut paper, to dissolve the Union, which he justly calls "the last anchor of our hope, and that alone which is to prevent this heavenly country from becoming an arena of gladiators."

Party spirit, which had been increasing in bitterness for the last four or five years, notwithstanding the check it received from the great personal popularity of General Washington, began, now that check was withdrawn from the scene of action, to exhibit redoubled fury. Each side accused the other of being willing to sacrifice the interests of the United States to those of a foreign nation; and the known partiality which one party felt for England, and the other for France, and the correspondent hatred for their enemies, gave but too much colour to these recriminations. The sympathies of our citizens for the great struggle which was then going on in Europe, and which, in appearance at least, was a contest of political principles, were more lively than their regard for their own interests; and most public measures were viewed with favour or disapprobation, according as they harmonized with French or English principles, or furthered French or English interests. This strange state of things, so inconsistent with the duties of patriotism, and so humiliating to its pride, suggested, and almost justified the remark of a foreign traveller in the United States at that period, that

during his visit to the United States, he saw many English and French, but scarcely ever met with an American.

It would be equally invidious and difficult to decide which of the two parties was most responsible for this national reproach; but, without doubt, both merit a large share of it. The circumstances which contributed to swell the numbers and augment the influence of the British partisans, are well detailed by Mr. Jefferson in his letter to Mr. Gerry, and opposed to these were, the animosity excited against England and Englishmen by the war of independence, and which their indiscreet zeal in the United States contributed to keep alive; the enthusiasm in favour of the French revolution; and the jealousy entertained against some of the leading measures of our domestic policy. It thus happened that every act of the government was viewed through a discoloured medium by the more zealous partizans on both sides, and each prevailed as they could best succeed with the cooler, the more indifferent, and more untutored part of the community.

There was supposed to be not entire harmony of views between Mr. Adams and his cabinet, as Mr. Jefferson's sagacity had quickly perceived; and subsequent events fully confirmed the fact. The cabinet of General Washington remained unchanged. Mr. Pickering, who had succeeded to the office of secretary of state on the resignation of Mr. Randolph, supported the views of Mr. Hamilton, both in his kind feelings towards the British government, and hatred of the present rulers of France, and their political principles. He always supported the character of inflexible integrity, but was irascible, prejudiced, and obstinate. The roughness of his manners enhanced his character for sincerity. Though he gave General Washington and Mr. Adams his support, his highest esteem and confidence were bestowed on Hamilton. To Mr. Adams's claims of superiority he could not quietly submit, and the pride of the president was mortified by the secretary's churlish independence. With these sources of discord, they were kept together only by the pressure of a common enemy, and even that was not eventually sufficient to counteract their mutual repulsion.

The secretary of the treasury, Mr. Wolcott, was a man of business habits; well acquainted with the duties of his office, and giving his first attention to them. So far as he engaged in general politics, he went as far as any of his associates in opposing the democratic party; and where the views of Hamilton came in conflict with those of the president, he was likely to side, though cautiously and lukewarmly, with the former.

The secretary of war, Mr. M'Henry, of Maryland, was not led by any strong principle or passion to oppose Mr. Adams in any thing, nor had he that commanding force of talent, or weight of character to make his course particularly important. The attorney-general, Mr. Lee, was a decided supporter of federal measures, was warmly opposed to the democratic party, and ready to adopt any course of policy which would maintain the federal ascendancy, but feeling no particular interest in any other object.

The relative strength of the federal and republican parties, in the House of Representatives, may be inferred from the fact, that on the question of approving the conduct of the administration towards France, in debating the answer to the president's opening speech, there were fifty-two in favour, and forty-eight against it.

Congress had been convened by the new president on the 15th of May. The circumstances which induced this extraordinary session, as detailed in the opening speech to the two houses of Congress, were: That on the arrival of Mr. Pinckney at Paris, after the first formalities of receiving him were over, the French government informed Mr. Monroe, the recalled American minister, that no other minister would be received from the United States, until the grievances of the French republic were redressed. That on Mr. Pinckney's applying to be informed whether it was the intention of the government that he should withdraw from the French territories, he received a verbal answer that it was: and that he afterwards received a written order to that effect, with which he had complied. That during his residence in Paris, he was threatened to be subjected to the jurisdiction of the police; and that the language held to Mr.

Monroe on his audience of leave, contained sentiments still more offensive to the national dignity and rights. The president added that, feeling an anxious desire to preserve peace, and believing that the honour of the nation did not forbid further advances for its maintenance, he should make another attempt at negotiation.

On the policy of this course the cabinet were divided: Mr. Pickering and one of his colleagues thinking that national self-respect forbade another mission to France, after the marked contumely manifested to this country through Mr. Pinckney.

Mr. Jefferson, in speaking of the vote on the answer to the president's message, says, "It is believed, however, that when they come to propose measures leading directly to war, they will lose some of their numbers. Those who have no wish but for the peace of their country, and its independence of all foreign influence, have a hard struggle indeed, overwhelmed by a cry as loud and imposing as if it were true, of being under French influence; and this raised by a faction composed of English subjects residing among us, or such as are English in all their relations and sentiments. However, patience will bring all to rights, and we shall both live to see the mask taken from their faces, and our citizens sensible on which side true liberty and independence are sought."

Mr. Madison had now withdrawn himself from Congress. In the House of Representatives parties were nearly balanced, but the administration had a majority of three or four votes. In the Senate it had eighteen votes to ten.

The opinions which Mr. Jefferson had formed of the views of the administration, as well as of the present state of parties, are fully developed in a letter which he wrote to Colonel Burr on the 17th of June. This gentleman had received thirty votes for the office of vice-president, and was regarded as (next to Governor Clinton,) the leader of the republican party in New York. Mr. Jefferson imputes the strong majority in the Senate to the divisions made by the British treaty; remarking that "common error, common censure, and common efforts of defence had formed the treaty majority into a common band, which

feared to separate even on other subjects: that the republican majority had so greatly diminished in the House of Representatives as to be now quite uncertain: that war with France was the object of the administration in calling Congress together; but that Bonaparte's victories, the Austrian truce, British bankruptcy, (meaning the suspension of cash payments by the bank of England,) the mutiny of the seamen, and Mr. King's exhortations to pacific measures cooled them down again to the peace temperature." He adds: "I had always hoped that the popularity of the late president being once withdrawn from active effect, the natural feelings of the people towards liberty would restore the equilibrium between the executive and legislative departments, which had been destroyed by the superior weight and effect of that popularity; and that their natural feelings of moral obligation would discountenance the ungrateful predilection of the executive in favour of Great Britain. But unfortunately, the preceding measures had already alienated the nation, who were the object of them, had excited reaction from them, and this reaction has, on the minds of our citizens, an effect which supplies that of the Washington popularity." He speaks of the future in a tone of despondency not usual with him, and having remarked that if the people of the eastern states, who are unquestionably republicans, could discover that they have been duped into the support of measures dangerous to their liberties, we might still hope for salvation: he adds, "But will that region ever awake to the true state of things? Can the middle, southern, and western states hold on till they awake? These are painful and doubtful questions: and if, in assuring me of your health, you can give me a comfortable solution of them, it will relieve a mind devoted to the preservation of our republican government in the true form and spirit in which it was established, but almost oppressed with apprehensions that fraud will at length effect what force could not, and that what with currents and counter-currents, we shall, in the end, be driven back to the land from which we launched twenty years ago."

The president, in pursuance of the intention he had from the

first declared, of making another trial at negotiation with France, appointed three envoys to that republic: General Pinckney, the acknowledged head of the federal party in South Carolina, who was still at Amsterdam, General Marshall of Virginia, a gentleman of the federal party, in the first rank at the bar of his native state, and as much loved for his private virtues and unostentatious simplicity of manners, as he was admired for his unrivalled powers of argument; and Mr. Gerry of Massachusetts, who had always belonged to the antifederal party, but was in habits of personal intimacy with Mr. Adams. His talents were respectable, and his attachment to republican principles unquestioned. Their names were sent in to the Senate on the 21st of June, and on the following day Mr. Jefferson addressed a long letter to Mr. Gerry on the occasion, for the apparent purpose of strengthening his pacific dispositions towards France. "Our countrymen," he says, "have united themselves by such strong affections to the French and the English, that nothing will serve us internally but a divorce from both nations; and this must be the object of every real American, and its attainment is practicable without much self-denial. But for this, peace is necessary. Be assured of this, my dear sir, that if we engage in a war during our present passions, and our present weakness in some quarters, our Union runs the greatest risk of not coming out of that war in the shape in which it enters it."

In a letter to Governor Rutledge of the 24th of June, he reiterates the same views as he had previously presented to Colonel Burr. He imputes to the administration an intention to provoke a rupture with France, and attributes their failure to the effect which the French success and other important events in Europe had produced. He remarks that the parties in Congress have charged each other in debate with inconsistency, but he thinks they both have been consistent, those who were for or against war measures towards England, are the same at present towards France. "We had in 1793," he remarks, "the most respectable character in the universe. What the neutral nations think of us now, I know not; but we are low

indeed with the belligerents. Their kicks and cuffs prove their contempt. If we weather the present storm, I hope we shall avail ourselves of the calm of peace to place our foreign connexions under a new and different arrangement. We must make the interest of every nation stand surety for their justice, and their own loss to follow injury to us, as effect follows its cause. As to every thing except commerce, we ought to divorce ourselves from them all."

It is impossible to reconcile the expression of such sentiments as these with the charge so generally brought against Mr. Jefferson, during his life, and so frequently repeated since, that he was desirous of making a common cause with France, and was subservient to her views of policy. This imputation of sacrificing the interests of the United States to those of a foreign nation, was indeed habitually made by both parties against their opponents, but as to the great body of the people, and even of the politicians, it was utterly unfounded; yet as each one was persuaded that the policy of our government, and perhaps its character, was likely to be affected according as the power of these nations in Europe, and their influence here prevailed, each was led to take an interest in French or English affairs, on account of the interest they took in their country's welfare; and it is not wonderful that, with many, objects first pursued on other accounts should be afterwards pursued for their own; and that, in a few instances, the secondary consideration became the first in regard and importance.

Mr. Jefferson gives a lively, but not exaggerated picture, of the height to which party spirit had now arrived. "You and I," he says to Governor Rutledge, "have formerly seen warm debates and high political passions. But gentlemen of different politics would then speak to each other, and separate the business of the Senate from that of society. It is not so now. Men who have been intimate all their lives, cross the streets to avoid meeting, and turn their heads another way, lest they should be obliged to touch their hats." It was not long after this, that the black cockade became the badge of the administration party, and men in the cities, by an unconscious impulse looked to

the hat of every one they met, rather than at his face, to see whether or not he wore this badge, that they might determine whether to regard him as a friend or an enemy.

The contemptuous treatment manifested by France towards General Pinckney, being one of those things which the mass of the nation could fully understand, produced more effect on the republican party among the people than in the legislature, where the motives, both personal and political, for adhering to the ground they have taken are so much more numerous and cogent; and a majority of the nation, forgetting party attachments in the love of country, were ready to vindicate their insulted dignity by war if it should be necessary.

After he returned to Monticello, Mr. Jefferson wrote to consult Mr. Madison about the course he should pursue in consequence of the publication of his letter to Mazzei in the American papers. He stated that he could not avow the letter as it stood, for there were some material alterations in it, particularly that of the *forms* of the British government, instead of *form*; nor could he correct this error without involving himself in a personal difference with every member of the executive, the judiciary, and with General Washington; and that therefore, he suggests, silence would be his best course. It would embroil him also with all those with whom his character is still popular, that is to say, nine-tenths of the people of the United States. He adds that it cannot be fairly inferred from his silence that he is afraid to own the general sentiments of the letter—because he says, “If I am subject to either imputation, it is that of avowing such sentiments too frankly, both in private and public, often where there is no necessity for it, merely because I disdain every thing like duplicity. He entreats Mr. Madison’s counsel on the occasion.

He mentions a petition to be offered to the people of the districts in consequence of a recent presentment by a Grand Jury of a circular from Samuel Cabell to his constituents.

At this distance of time we are inclined to smile at the fears which both parties then entertained of the dangers from French and English influence in this country. Neither seemed to foresee

that, supposing its estimate of this influence just at the time, it could not be permanent, but that by the mere circumstance of our very rapid growth, it must gradually diminish, and finally disappear. The era to which Mr. Jefferson fondly looked, when we should, "as to every thing except commerce, divorce ourselves from them all," has long since arrived, and no one now even suspects any foreign attachments or antipathies to mingle in American politics. The most embittered state of party feeling which is so prompt and fertile in assigning causes of reproach, never now hear this charge of "foreign influence" by either party against its opponents.

In noticing to Mr. Madison two acts of Parliament, on the subject of our commerce, he observes that, "the merchants here say they would throw American vessels out of employ, as soon as there is peace. The eastern members say nothing but among themselves. But it is said that it is working like gravel in their stomachs."

In the beginning of this year he had been appointed president of the American Philosophical Society, of which he had been more than twenty years a member.

To the secretaries who informed him of his election he returned the following answer:

"Monticello, January 28, 1797.

"Gentlemen,

"I have duly received your favour of the 7th instant, informing me that the American Philosophical Society have been pleased to name me their president. The suffrage of a body which comprehends whatever the American world has of distinction in philosophy and science in general, is the most flattering incident of my life, and that to which I am the most sensible. My satisfaction would be most complete, were it not for the consciousness that it is far beyond my titles. I feel no qualification for this distinguished post, but a sincere zeal for all the objects of our institution, and an ardent desire to see knowledge so disseminated through the mass of mankind, that it may at length reach the extremes of society, beggars and kings. I pray

you, gentlemen, to testify for me, to our body, my sense of their favour, and my disposition to supply by zeal what I may be deficient in the other qualifications proper for their service, and to be assured that your testimony cannot go beyond my feelings.

“Permit me to avail myself of this opportunity of expressing the sincere grief I feel for the loss of our beloved Rittenhouse. Genius, science, modesty, purity of morals, simplicity of manners, marked him as one of nature’s best samples of the perfection she can cover under the human form. Surely, no society till ours, within the same compass of time, ever had to deplore the loss of two such members as Franklin and Rittenhouse. Franklin, our patriarch, whom philosophy and philanthropy announced the first of men; and whose name will be like a star of the first magnitude in the firmament of heaven, when the memory of those who have surrounded and obscured him, will be lost in the abyss of time.

“With the most affectionate attachment to their memory, and with sentiments of the highest respect to the society, and to yourselves personally, I have the honour to be, gentlemen,

“Your most obedient,

“And most humble servant,

“TH: JEFFERSON.”

“To Messrs. Samuel Magaw, Jonathan Williams, William Burton, and John Bleakley, secretaries of the American Philosophical Society.

CHAPTER II.

Important despatches received from the American envoys in Paris.— The lively indignation it excited. Measures of the Administration. Mr. Jefferson's views. The conduct of parties. Mischievous effect of party spirit. Letter to John Taylor of Caroline. The value of the Union. Arrival of American envoys from France. Their cordial reception. Dr. Logan. Illiberal suspicions against Mr. Jefferson. The Alien and Sedition laws. Their influence on the public sentiment. Measures of the Opposition. Letter to Mr. Gerry. Mr. Jefferson's sanguine temper. Its advantages.

1798.

WHILE the nation was awaiting the result of the mission to France, the irritation in the minds of our citizens was kept up by the illegal captures of American vessels by French cruisers; but early in 1798, despatches were received from our envoys, which excited one general burst of indignation from the federal party, made converts of some of their opponents, and, for a time, silenced the favourers and apologists of France. Those gentlemen had been received with marked coldness and disrespect. They were not formally recognised, and finally were told that the only terms on which they could be permitted to negotiate was the payment of a large sum of money to the individuals then exercising the executive functions in France. The proposition was indeed made through the medium of informal agents, but pains were taken by our ministers to ascertain their authority, and the evidence of it was entirely satisfactory. These conditions, not more disgraceful to those who offered than those who

would accept them, opened the eyes of many who had believed in the sincerity of the professions made by the political leaders in France, and the only public voice which was distinctly audible, was one of indignation at this unmerited insult, and a determination to assert the rights of the nation at all hazards.

Before these despatches arrived, the proposition to allow our vessels to arm, for the purpose of defending themselves from the French cruisers, had been discussed in Congress, and postponed by a small majority; and, in the large towns, public opinion was either equally divided on the question, or was against it. In March was received the French decree, which made the vessel friendly or enemy, *according to the hands by which the cargo was manufactured*. This produced great sensation among the merchants, and it was feared it would throw American shipping out of employment, as British bottoms, which alone had the benefit of convoy, would have the return cargoes. Mr. Jefferson remarks in a letter to Mr. Madison, of March 21st, "notwithstanding this decree, the sentiments of the merchants become more and more cooled and settled down against arming. Yet it is believed that the Representatives do not cool; and though we think the question against arming will be carried, yet, probably, by a majority of only four or five. Their plan is to have convoys furnished for our vessels going to Europe, and smaller vessels for the coasting defence." This decree, he says, operated on the merchants as a sedative, producing more alarm than resentment, but it had the effect of increasing the resentment of the war party.

On the 19th of March the president informed the two Houses of Congress that despatches had been received from our envoys to France, and that they afforded no grounds to expect that the objects of their mission could be accomplished, consistent with the honour and interests of the nation; he therefore renewed his recommendation to put the country in a state of defence, by providing military stores, and an efficient revenue; and that, under existing circumstances, he had withdrawn the instructions to the custom-house officers to restrain armed vessels from leaving our ports, except in particular cases.

Mr. Jefferson, in the same letter of March 21st, writes that this "insane message" produced great effect. "Exultation on one side, and a certainty of victory; while the other is petrified with astonishment."

He says that, supposing their party had the majority of one vote, he had suggested two things: "1. As the president declares he has withdrawn the executive prohibition to arm, that Congress should renew the same prohibition. 2. That they should adjourn, in order to go home and consult their constituents on the present crisis of American affairs." He suggests, in favour of this last course, that besides gaining time enough by this, to allow the descent on England to have its effect here as well as there, "it will be a means of exciting the whole body of the people from the state of inattention in which they are; it will require every member to call for the sense of his district by petition or instruction; it will show the people with which side of the House their safety, as well as their rights, rest, by showing them which is for war and which for peace, and their representatives will return here invigorated by the avowed support of the American people."

"We see a new instance of the inefficiency of constitutional guards. We had relied, with great security, on that provision, which requires two-thirds of the legislature to declare war.*— But this is completely eluded by a majority's taking such measures as will be sure to produce war."

As he could find no consideration of interest or honour that was sufficient to justify war, he resorts to other views, and does not hesitate to impute the strong disposition for it, either to a wish to strengthen the government or to dissolve the Union.

In a subsequent letter to Mr. Madison he speaks of some papers signed "Marcellus," and which were generally attributed to Hamilton. He entreats Mr. Madison to take up his pen against "this champion," adding, "you know the ingenuity of his talents, and there is not a person but yourself who can foil him."

* Here is an instance of inaccuracy, which, in him, is very remarkable, in supposing that two-thirds of the Legislature must concur in a declaration of war.—*Jeff. Corr.* III. 381.

On the 8th of April the Senate decided on publishing the despatches from our envoys, and on the following day, he communicated them in substance to Mr. Madison.

In speaking of the proposition to pay a large sum, upwards of a million sterling, as a preliminary to negotiation, he makes no comment, nor expresses a doubt of their authenticity; but remarks that "arguments which Talleyrand's agent made in support of his base propositions were very unworthy of a great nation, if they could be imputed to it, and are calculated to excite disgust and indignation generally, and alienation in the republicans particularly, *whom they so far mistake*, as to presume an attachment to France and hatred to the federal party, and not the love of country to be their first passion. No difficulty was expressed towards an adjustment of all differences and misunderstandings, or even ultimately a payment for spoliations, if the insult from our executive in his opening speech to Congress in May last could be wiped away. The little slanderous imputations before mentioned has been the bait which hurried the opposite party into this publication." Mr. Jefferson admitted that the first impressions with the people would be disagreeable, but supposed that the permanent one would be that the president's speech was the only obstacle to accommodation. He thought that the papers did not offer one cause the more for going to war; but that such was their effect on the minds of wavering characters, that he feared they would, by way of avoiding the imputation of being French partisans, be in favour of war measures.

Such was not the judgment of the nation on these base proposals. While we here see an example of how party zeal is capable of biassing judgments of the strongest minds, we find that the more unsophisticated feelings of the people came to a decision more in accordance with the opinions of the world in general, and of posterity. They regarded a proposal which could not have been accepted without meanness and degradation, as one which should not only be promptly rejected, but which should be regarded as a national insult, and treated it accordingly. Mr. Jefferson thus adverts to its effect on the public

mind: "The most artful misrepresentations of the contents of these papers were published yesterday, and produced such a shock in the republican mind, as had never been seen since our independence;" but added, "We are to dread the effects of this dismay till their fuller information."

A week afterwards, April 12, he again wrote to urge Mr. Madison to take up his pen, for the purpose of placing things in their just attitude, as on this depended "the inchoate movement on the eastern mind, and the fate of the pending elections in that quarter. Assuring him that a well digested analysis of these papers would decide the future state of things, which were then then on the turn."

It was in this moment of general indignation that the foundation was laid for a navy, and consequently for the naval department. A provisional army of 20,000 men was authorized. A tax on stamps had been previously laid, and a direct tax on lands was also resorted to. Dreading the influence of the press in misleading the public mind, and diverting its just indignation, or perhaps merely hating it, they, in the intoxication of power and popularity, passed a law for punishing all libellous writings against the public authorities, and another for sending away all aliens who should be deemed suspicious by the government. The effect of these two last laws was eventually sufficient to turn the tide of public sentiment, which had been setting strongly in favour of the administration, still more strongly against it.


The influence which these despatches had on public sentiment is well recollected. Those who had been previously alienated from the French nation, and were prepared to resist her lawless course on the ocean, loudly triumphed at this undisguised manifestation of the baseness and cupidity of her rulers, which at once justified their previous course, and was likely to strengthen their cause with the people. All the timid and wavering of the other party, the neuter between both parties, and a few elevated minds who forgot party distinctions in their sensibility to the national honour, swelled the list, and thus gave to the administration and anti-gallican party a decisive majority of the people.

But the leaders of the opposition and the ardent votaries of the French revolution felt nothing but vexation and disappointment at the triumph of their adversaries, and industriously sought for some ground to throw on our envoys the blame of their own failure. They devised various excuses for the seeming venality of the French directors and their agents; attributed their unwillingness to negotiate to a proper sense of the insult received from the president in his first speech to Congress; asserted that it had never been the intention or wish of our government to have an amicable adjustment with France; that war was their real object; that the negotiation was set on foot merely to conceal their own purposes, and by contriving to throw the blame of its failure on the French government, to make that nation odious to the American people, and thus secure to themselves an undivided support. Some even went so far as to assert that the facts stated by the envoys were mere fabrications, ingeniously contrived to effectuate the crooked policy of their employers. These arguments were then in the mouths of the intemperate portion of the republican party, and it is painful to see that Mr. Jefferson—whose experience of the illiberality and injustice of his adversaries towards himself, ought to have taught him to despise these vulgar clamours and suspicions—if he did not go to the same lengths, at least, gave them countenance and favour.

It is indeed one of the most pernicious effects of party rage, and one which has afforded a plausible theme of accusation against popular governments, that, whenever the country is brought into collision with a foreign nation, the party in opposition to the administration, in the violence of their hatred to their political adversaries, in the desire of thwarting their measures, and of bringing them into discredit with the people, are almost sure to become the advocates or apologists of the foreign government. The history of parties in Great Britain furnishes numerous examples of this, and that of our own country affords but too many. Thus, in the disagreement with France, about which we are now writing, many of our citizens exerted all their ingenuity to put the French government in the right, and that of their own country in the wrong. Nor should it be believed

that there was any thing in this course which was peculiar either to those individuals who thus postponed their country to their party, or to the cause in which they were engaged, for, at a subsequent period in our controversy with England, we saw, in the opposite party, the same support of a foreign nation against our own. Thus each party has been compelled to witness its own error reflected in the conduct of the other, and the consciousness of equal delinquency has taken away the right of mutual rebuke. And if we can, without violating the precepts of justice or prudence, come so near the present time, at a yet later period, when we were engaged in an altercation with Great Britain about the West India trade, the opposition to Mr. Adams's administration did not hesitate to throw their weight into the scale of our foreign commercial rival, and task their ingenuity to show that the claims of our government were unreasonable and unjust.

This course is often as short-sighted and imprudent as it is inconsistent with pure and lofty patriotism, and eventually injures the party it was meant to serve. The mass of the nation, not being zealous partizans, and wishing of course for the welfare of their country, will, on all questions between that country and foreign nations, naturally take sides with her advocates, and incline to think her adversaries wrong. The arguments which were urged in their favour undergo a scrutiny sharpened by suspicion; whilst those on the other side find a ready welcome from national pride and love of country. Thus unequally supported, the latter are sure in time to prevail, and the opposite cause and its advocates thus fall into disgrace together. Such was the history of those who were the advocates of the course pursued by the French directory in 1798, and of those who defended the course of Great Britain from 1808 to 1813. They were condemned by the voice of the nation, and the advocates of France owed their impunity to the unwise course pursued by the federal party in the wantonness of their power, or overweening confidence in their strength; and the advocates of Great Britain owed theirs, if indeed they can be said to have escaped punishment, to the healing influence of time and oblivion. If the



same result did not attend the apologists of Great Britain in 1829, it was because that subject was merged in others of yet greater national importance.

Mr. Jefferson's letters to Mr. Madison at this time give a spirited picture of the zeal and confidence which animated the federal party, and of the ineffectual resistance made by the republicans. They proposed to lessen the facilities to naturalization, to give to the executive the discretionary power of sending away suspected aliens, and to punish seditious speeches and writings. On the 26th of April he writes, "The popular movement in the eastern states is checked, as we expected, and war addresses are showering in from New Jersey and the great trading towns. However, we will trust that a nearer view of war and a land tax will oblige the great mass of the people to attend; at present the war hawks talk of septembrizing, deportation, and the examples of quelling sedition set by the French executive. All the firmness of the human mind is now in a state of requisition." And on May the 3d, "The spirit kindled up in the towns is wonderful. These and New Jersey are pouring in their addresses, offering life and fortune;" and he says that the president's answers are "more thrasonic than the addresses." He regards all hopes of peace as then destroyed, and that the president's threats are not confined to France, but are extended to his fellow-citizens. He states that the French citizens, taking alarm at the alien bill, were going off, and among them, Volney, whom he believes to have been the principal object of the bill.

To another correspondent, a young lawyer in Fredericksburg, who had informed him of Mr. Luther Martin's attack on him, he writes a few days afterwards: "At this moment all the passions are boiling over, and one who keeps himself cool and clear of the contagion, is so far below the point of ordinary conversation, that he finds himself insulated in every society. However, the fever will not last; war, land tax and stamp tax are sedatives which must cool its ardour."—"It is our duty still to endeavour to avoid war; but if it actually shall take place, no matter by whom brought on, we must defend ourselves. If our house be on fire, without inquiring whether it was fired from

within or without, we must try to extinguish it. In that, I have no doubt, we shall all act as one man."

In the midst of his disheartening views of the future, Mr. Jefferson, on the 1st of June, wrote a letter to Colonel John Taylor, of Caroline county, which every lover of his country must read with pleasure, and which entitles him to the more praise as he had been under the influence of the same bitter feelings, and the same disheartening views, which no doubt dictated Colonel Taylor's letter. That gentleman, one of the most zealous of the republican party, alarmed and disgusted at what he regarded as the tendency of the general government, had written to a friend in Congress that "it was not unwise now to estimate the separate mass of Virginia and North Carolina, with a view to their separate existence," on which Mr. Jefferson wrote him, and spoke of the Union in a strain which shewed how deeply sensible he was of its value. After noticing the casual circumstances which had given their opponents the ascendancy, and which he thought would be but temporary, from the operation of the land tax, stamp tax, increase of public debt, &c., he adverts to the natural tendency of all communities to divide into parties, which he says is perhaps a salutary tendency: he says that if a temporary superiority of one party should be thought sufficient to justify the other in resorting to a separation, no federal government could ever exist; for that after every division, new parties would arise in each portion, of the same hostile character as those they succeeded, and the process would be repeated until the whole was reduced to simple units. As then we must have somebody to quarrel with, he would rather have New England than those who are nearer to us. They are few in numbers, and will be more so. "But who, he asks, can say what would be the evils of a scission, and when and where they would end? Better keep together as we are, haul off from Europe as soon as we can, and from all attachments to any portions of it; and if they shew their power just sufficiently to hoop us together, it will be the happiest situation in which we can exist."

It has been generally found that whenever party spirit has

run very high in the United States, a dissolution of the Union has either suggested itself as a remedy for the evil, or has been resorted to as a means of intimidating their adversaries into compliance. When the fervour of admiration for revolutionary France was at its height, some of the politicians of New England, finding their views of policy counteracted, became the open advocates for a separation, in which the Potomac was to be the dividing line. A few years afterwards, when the policy supported by New England prevailed, we find a politician of Virginia contemplating a separation. In the late war with Great Britain, one of the objects of the leaders of the Hartford Convention is supposed to have been either to attempt or to threaten a secession from the confederacy; and more recently, South Carolina, in its determined opposition to the tariff, has openly spoken of withdrawing from the Union.

In the two last cases, the causes of complaint, though bearing no comparison with the evils of disunion, are sufficiently manifest; but in the others, it cannot now be distinctly seen what were the mighty grievances which could have reconciled any enlightened friend of his country to a dissolution of the Union, beyond mere party disappointment, and the prevalence of one system of policy over another in some points, which, now that they are diminished by the distance of nearly forty years, are scarcely discernible to ordinary eyes.

Those who accustomed themselves to speculate on the dangers which threatened the permanency of our government, have generally reckoned disunion as at once the most serious and the most probable. They regarded it as the most serious, for they already had actual experience of the mischiefs of a less compact confederacy. Under the looser bonds of the old confederation they had seen the states engaged in one unceasing contest of commercial rivalry, and in endeavours to extend their own trade or revenue at the expense of their neighbours. They would naturally imagine that these causes of irritation, if suffered to fester, would soon produce war, according to all human experience, and that war must necessarily be attended or followed by high taxes, public debts, strong

executives—to say nothing of the adverse vicissitudes of war, of the chances of conquest, often as fatal to the liberty of the victors as of the vanquished, of its certain waste of life and property, and finally a loss of independence. They thought a separation too more probable, if from no other cause, from the supposed inclinations of the western country, which was believed to have no preponderating common interest with the Atlantic states, and which would therefore separate as soon as it found itself sufficiently strong to stand alone. But time, which may confirm most of these speculations, has falsified the last. Of all the great divisions of the Union, the western portion is the only one which has never yet dealt out the threat of separation;* and we may now say with confidence, when juster views of local interests are entertained, that there is no one which is more attached to the Union, or has more reason to desire its continuance.

Two of our envoys to France, Messrs. Pinckney and Marshall, arrived in June, and the warmth and cordiality with which they were received, plainly manifested the determination of the people to support the administration. They were every where welcomed with the most flattering honours and distinctions. Mr. Jefferson writes to Mr. Madison on the 21st of June: “Marshall was received here with the utmost eclat. The Secretary of State and many carriages, with all the city cavalry, went to Frankford to meet him, and on his arrival here in the evening, the bells rung till late in the night, and immense crowds were collected to see and make part of the show, which was circuitously paraded through the streets before he was set down at the city tavern.” Mr. Jefferson attributes these extraordinary attentions to the purpose of securing him to the views of the federal party, that he might say nothing which would oppose the game they had been playing. He mentions a fact which shews the excitable state of the public mind. “Doctor Logan of Philadelphia, about a fortnight ago sailed for Hamburgh. Though for a twelvemonth past he had been in-

*The temporary disaffection in the west, arising from anxiety about the navigation of the Mississippi, was before there was any western state.

tending to go to Europe as soon as he could get money enough to carry him there, yet when he had accomplished this, and fixed a time for going, he very unwisely made a mystery of it; so that his disappearance without notice excited conversation. This was seized by the war-hawks, and given out as a secret mission from the Jacobins here to solicit an army from France, instruct them as to their landing, &c. This extravagance produced a real panic among the citizens; and happening just when Bache published Talleyrand's letter, Harper on the 18th, gravely announced to the House of Representatives, that there existed a traitorous correspondence between the Jacobins here and the French Directory; that he had got hold of some threads and clues of it, and would soon be able to develop the whole. This increased the alarm." As Mr. Jefferson was implicated by the newspapers in this supposed plot, he was induced by it to prolong his stay in Philadelphia.

It subsequently appeared that Dr. Logan conceived the project, after the failure of our envoys in the object of their mission, of becoming the mediator between France and the United States. Deprecating a rupture between them, and believing it would be detrimental to the cause of the republican party, to which he was attached, he hoped that representations to that effect would incline the public authorities in France to a pacific course. His romantic scheme soon became generally known, was ascribed by the federal journals to Mr. Jefferson as its adviser, and was represented as an attempt to take sides with France against the United States. Mr. Jefferson avers that he had no agency whatever in this self-created mission, but that he had furnished Dr. Logan, at his request, with a certificate of his citizenship, character, and circumstances, by way of passport.

The name of Logan was one of evil omen to Mr. Jefferson at this time, for besides the agency imputed to him in the preceding transaction, he had been, a few months before, charged by Mr. Luther Martin, a lawyer of eminence in Maryland, with having fabricated the speech which he had published in his Notes as that of Logan, the Indian chief. And as that speech

charged Colonel Cresap with acts of cruelty to the Indians, and Mr. Martin was the relative of Cresap, he considered himself warranted, in vindicating the character of his relative, to assail that of Mr. Jefferson, for candour and honesty. Mr. Jefferson took occasion, some time after, in a new edition to his "Notes on Virginia," to notice this charge of Mr. Martin, and he has there satisfactorily proved Logan's claim to the authorship of the speech made to Lord Dunmore, as he had reported it, and of course falsified the charge against himself.

On the 21st of June, the president sent a message to both Houses of Congress, in which he notices the arrival of General Marshall, and the despatches he had received from Mr. Gerry who alone of the envoys had not received his *cong  *. He stated that as fresh instructions had been sent to this gentleman, the negotiation might now be considered to be at an end; and conclude with this declaration, "I will never send another minister to France without assurances that he will be received, respected and honoured, as the representative of a great, free, powerful and independent nation," which one party regarded as a spirited assertion of national self-respect, and the other as a piece of rhodomontade, which might be as mischievous as it was undignified.

One of the unpleasant consequences of the feverish state of the public mind, and of the relation in which Mr. Jefferson stood to the democratic party, was, that all his actions were closely watched, and made objects of suspicion and animadversion in the newspapers. He had not long returned to Monticello after the termination of the longest and most contentious session of Congress ever witnessed, before he was informed by his friend General Smith of Baltimore, of an article in a Philadelphia paper, which stated that the day after the president's last message on the subject of French affairs, Bache, the editor of a violent political journal, Dr. Leib, one of the same school, and a Dr. Reynolds, an Irish emigrant, were *closeted* with him. He then speaks of the article to General Smith: "If the receipt of visitors in my public room, the door continuing free to every one who should call at the same time, may be called *closeting*, then it

true that I was *closeted* with every person who visited me; in no other sense is it true as to any person. I sometimes received visits from Mr. Bache and Dr. Leib. I received them always with pleasure, because they are men of abilities, and of principles the most friendly to liberty, and our present form of government. Mr. Bache has another claim on my respect, as being the grandson of Dr. Franklin, the greatest man and ornament of the age and country in which he lived. Whether I was visited by Mr. Bache or Dr. Leib, the day after the communication referred to, I do not remember. I know that all my motions at Philadelphia, here, and every where are watched and recorded." As to Dr. Reynolds Mr. Jefferson denies the fact, and says he never saw him but once, which was before the communication alluded to.

His views of the policy of the nation, as to its foreign relations, he thus states:—"The letter-writer says I am 'for peace, but it is only with France.' He has told half the truth. He would have told the whole, if he had added England. I am for peace with both countries. I know that both of them have given, and are daily giving, sufficient cause of war; that, in defiance of the laws of nations, they are every day trampling on the rights of the neutral powers, whenever they can thereby do the least injury, either to the other. But as I view a peace between France and England the ensuing winter to be certain, I have thought it would have been better for us to have continued to bear from France, through the present summer, what we have been bearing both from her and England these four years, and still continue to bear from England, and to have required indemnification in the hour of peace, when, I verily believe, it would have been yielded by both." . . . "It is true, then, that as with England we might of right have chosen either war or peace, and have chosen peace, and prudently, in my opinion, so with France, we might also, of right, have chosen either peace or war, and we have chosen war." He then excuses himself for not repelling these attacks through the newspapers, in conformity with a resolution he had made in early life, and since religiously observed. "Were I," he remarks, "to under-

take to answer the calumnies of the newspapers, it would be more than all my own time, and that of twenty aids could effect. For while I should be answering one, twenty new ones would be invented. I have thought it better to trust to the justice of my countrymen, that they would judge me by what they see of my conduct on the stage where they have placed me, and what they knew of me *before* the epoch since which a particular party has supposed it might answer some view of their's to vilify me in the public eye. Some, I know, will not reflect how apocryphal is the testimony of enemies so palpably betraying the views with which they give it. But this is an injury to which duty requires every one to submit, whom the public think proper to call into its councils."

The Irish patriot, Archibald Hamilton Rowan, like all the other ardent votaries of civil liberty who had migrated to this country, regarded Mr. Jefferson as a congenial spirit, and soon communicated with him both by letter and in person. We find him, also, during the present year, not only in correspondence with Volney, the celebrated Kosciusko, and this Irish gentleman, but extending to them the rites of hospitality at Monticello. After noticing to the last the great change which had taken place in public sentiment within the last seven years, he adds:—"The commerce of England, however, has spread its roots over the whole face of our country. This is the real source of all the obliquities of the public mind: and I should have doubts of the ultimate term they might attain, but happily, the game, to be worth the playing of those engaged in it, must flush them with money. The authorized expenses of this year are beyond those of any year in the late war for independence, and they are of a nature to beget great and constant expenses. The purse of the people is the real seat of sensibility. It is to be drawn on largely, and they will then listen to truths which could not excite them through any other organ." He tells Mr. Rowan that, if he should choose Virginia for his asylum, he will find himself secure from the reach of unconstitutional power, and makes a tender of his kind offices.*

* It was about this time that the writer of these pages first saw Mr.

Mr. Jefferson considered that the resentment against France, or what he called the X Y Z fever,* had considerably abated through the country, and that the alien and sedition laws were working hard; that he considered those laws as an experiment on the American mind, to see how far it would bear an avowed violation of the constitution. "If this goes down," he adds, "we shall immediately see attempted another act of Congress, declaring that the president shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life. At least this may be the aim of the Oliverians, while Monk and the cavaliers (who are perhaps the strongest) may be playing their game for the restoration of his most gracious majesty George the Third. That these things are in contemplation I have no doubt; nor can I be confident of their failure, after the dupery of which our countrymen have shown themselves susceptible."

These sentiments are an evidence of the lengths to which party men go in their opinions and suspicions of their opponents: and it must be admitted that, if Mr. Jefferson experienced the most virulent hatred, and the most unfounded calumny of his adversaries, he was, occasionally, not far behind them in credulity and injustice, and that he did not hesitate to attribute to them purposes which no honest mind could form, and no rational mind would attempt.

In his estimate of the future effects of the course then pursued by the party in power, his opinions were more just. He predicted to Colonel John Taylor that some of the laws passed

Jefferson, at his own house at Monticello. Though in retirement, he was the acknowledged head and leader of the republican party, not only in Virginia, but throughout the United States. The public mind was then in an unprecedented ferment, and the republican party was as much roused by the alien and sedition laws, which had been passed at the previous Congress, as the federal party by the conduct of the French government. Yet Mr. Jefferson was so guarded in his conduct and expressions as to obtain at the time the character of unusual moderation among his neighbours. Though his house was still unfinished, he entertained much company, but he rarely made visits.

* Alluding to the mode by which the secret French agents had been designated by the American envoys.

at the preceding session, would produce a revolution in public sentiment. He admitted that there was a most respectable part of the state of Virginia, who had been enveloped in the "XYZ delusion, and who destroy our unanimity for the present moment," but added, "this disease of the imagination will pass over, because the patients are essentially republican. Indeed, the doctor is now on his way to cure it, in the guise of a tax-gatherer. But give time for the medicine to work, and for the repetition of stronger doses, which must be administered."—"Nothing but excessive taxation can get us along, and this will carry reason and reflection to every man's door."

He thought that if a single amendment to the Constitution could be obtained, by which the power of borrowing money could be taken from the federal government, he would rely upon it to bring back the government to its true principles. The consequence of which would be to raise, by annual taxes, supplies adequate to the expenses of the year. He admits that this, in case of a war, would be hard, but says it would not be so hard as ten wars instead of one.

Colonel Taylor was at that time a leading member of the Virginia Assembly, and the following remarks had a reference to the course which he thought it expedient for that body to take at the approaching session in December: "For the present, I should be for resolving the alien and sedition laws to be against the constitution, and merely void, and for addressing other states to obtain similar declarations; and I would not do any thing which should commit us further, but reserve ourselves to shape our future measures, or no measures, by the events which may happen."

This legislative declaration that the alien and sedition laws were unconstitutional and therefore void, was the first germ of the doctrine which was afterwards more fully developed and more precisely defined, in the draught of the Kentucky resolutions, and which has recently made such a figure in the contests of party, under the name of nullification. Whatever disagreement there may be about Mr. Jefferson's subsequent opinions of the nature and extent of this right of the states, it seems

not probable that he, at this time, contemplated anything more than a declaration of opinion, for the purpose of producing a moral influence on the public sentiment; "Though it is not improbable that he might purposely have left the question of active resistance in doubt, with a view of operating on the fears of all who would dread a collision between the general and the state governments.

He sends Colonel Taylor also a petition for a reformation in the appointment of juries, which was to be presented to the next legislature. The avowed and real object of this was to afford some additional protection to the citizens of Virginia, who might be prosecuted under the sedition law: but probably another and yet stronger motive was to excite a livelier apprehension of its dangers and mischiefs, by these legislative provisions against them, and thus to increase the popular odium already strongly felt against the law, because of its unconstitutionality.

He remarks in the language which very truly expressed his feelings and that of the warmer portion of his political associates at the time, but which few will not now regard as the exaggeration of party discontent—"It is a singular phenomenon that, while our state governments are the very *best in the world*, without exception or comparison, our general government has, in the rapid course of nine or ten years, become more arbitrary, and has swallowed up more of the public liberty than even that of England. I inclose you a column cut out of a London paper, to show you that the English, though charmed with our making their enemies our enemies, yet blush and weep over our sedition law."

During the ten years that the present federal government had been in operation, many questions had arisen concerning the interpretation of the constitution. But there had been no instance in which the opinion that that instrument had been violated was so decided, or in which the supposed infraction had excited so much sensibility as these two laws, which were always coupled together in the public mind, as having originated in the same policy, and as leading to the same tendency. But in point of fact it was the law that abridged the freedom of the

press which was most looked at, and the other was condemned by most Americans, like the stork in the fable, for the society in which it was found, and for the sake of soothing the great mass of foreigners, who were not yet naturalized, the greater part of whom, particularly the Irish and French, were attached to the republican party.

To most men of cool tempers and unsophisticated minds, who could not or would not resort to refinements of reasoning, it seemed that the clause of the constitution which prohibited Congress from passing any law which abridged the freedom of speech or of the press, had intended to interdict them from passing any law whatever upon the subject; that the distinction between liberty and licentiousness on which the advocates of the law relied, was too vague and indefinite to be secure against practical abuse; and that all attempts to subject licentiousness to merited punishment, would be certain to operate also against the rightful exercise of liberty. Many, therefore, who were before sceptical about the settled designs of the federal party to subvert or undermine the constitution, now credited the imputation, on the faith of what appeared to them so plain an infraction of that instrument. This belief had a great influence in counteracting the feeling of resentment which was inspired by the overbearing insolence of the government of France, and the dishonourable proposals made by its public functionaries; which feeling was naturally more or less extended to their friends and apologists in America.

The motives which dictated the policy of enacting these laws, to which violent opposition must necessarily have been anticipated, has never been satisfactorily explained. But assuredly at the present day, assisted as our judgments are by the light of subsequent events, no measure would seem to be more unwise. It must have been foreseen that the execution of the laws would have been every where attended with difficulty, and supposing that difficulty overcome, more was likely to be lost by the odium they would excite, by the bitter opposition they would engender, and by the closer union they would produce among the discontented, than could possibly be gained by

checking or preventing slander, and banishing a few foreign malcontents. In those states in which it was practicable to enforce them, they were probably unnecessary; and in those in which they were intended to strike terror into the calumniators of the administration, they would either afford matter of triumph and exultation to its enemies by their failure to convict, or produce the no less dangerous honours of martyrdom.

"It is possible that in the confidence of their increased popularity and strength, they wished to provoke their opponents to some excesses, in resistance of the law, which might thus afford a pretext for the party in power to crush them under their feet, as unsuccessful resistance always adds to the power of the government. But if such were their expectations, they were no where realized. And there was nothing against which the republican party were more carefully guarded, than that the people should not be stirred up to a violent resistance of these laws.

With the great advantage which the administration party possessed in our relations with France, it seems probable that but for the error of this measure, their ascendancy would have been maintained. It should, however, be remarked that the conduct of the republican party was not more wise in continuing their attachment to France after the despatches were received from our envoys; for if they had renounced that attachment, and disclaimed all fraternity with its government after they had such satisfactory evidence of its turpitude, they might have retained their relative strength, instead of losing it by the numbers who joined the administration in defence of the national honour; and, placed on this vantage ground, their attacks on the alien and sedition laws would have been irresistible. But on this occasion the spirit of party overpowered both the dictates of prudence and the sentiments of patriotism, and its votaries, under the impulse of its evil sway, were led to pursue a course as unprofitable as it was inglorious, and which would have been fatal to their success but for the errors of their opponents.

Some other measures of the administration savoured more

of policy. Feeling the advantage which they derived from the insolence of the French rulers, and the imprudence of the republican party here, they took every means in their power of bringing the subject to the notice of the people. They encouraged public addresses to the president to an extent never witnessed before. These effusions of patriotic indignation and zeal were welcomed from every quarter—from the most dignified public bodies down to any voluntary association however small. They served indeed to fan the flames of party, to irritate their adversaries, as well as to give cause of exultation to their friends; but they were sure to gain by agitating the subject, for the feelings of national pride, a sentiment at once so universal and strong, being always thrown into the scale of the administration, was sure to give it the preponderance. The effect would have been yet greater, if the president, in some of his answers had not been indiscreet; and instead of heightening the national resentment, as a show of moderation would have been sure to do, he so managed as to excite the suspicion that it was his political opponents at home, and not the French Directory, who were the chief objects of his resentment and hostility. He thus gave a further colour to the imputations of his enemies that the breach with France was only part of the scheme of bringing republicanism into disgrace, and introducing a more high toned government.

The errors which the parties thus severally committed under the dominion of their respective passions and sympathies, tended in a great measure to counteract each other, but the administration throughout the year 1797, and part of the following year, seemed to gain strength; and in the succeeding Congress, most of the members of which were elected after the arrival of the envoys from France, it had a large accession of members, so much so that on one of the federal party, Mr. Bayard, expressing a wish that a gentleman on the opposition, for whom he felt great personal respect, belonged to this party, another replied that they were strong enough for their own safety, and he did not desire the accession of a single new member.*

*This is stated on the authority of the late Colonel Wilson Nicholas.

The Legislatures in the several states prepared to support or oppose the course of the administration, according to their respective sentiments, and that of Virginia was looked to with peculiar interest by both parties, because that state was yet the largest in the Union, and the leaders of both parties, General Washington and Mr. Jefferson, were to be found among its citizens. The plan of opposition had without doubt been arranged by Mr. Jefferson and Mr. Madison, in conformity with the opinion expressed in the letter of the former to Colonel John Taylor, and Mr. Jefferson had actually prepared the resolutions which were offered by Colonel George Nicholas, of Kentucky, and adopted at the succeeding session. Those offered by Colonel Taylor, in the Virginia legislature, and adopted, were drafted by Mr. Madison.

Mr. Jefferson did not take his seat in the Senate at the next session in December till the 27th of the month, and that day week he wrote to Mr. Madison on the complexion of the times. Adverting to a passage in the president's reply to the Senate's answer to his speech, he remarks: "When the Senate gratuitously hint Logan to him, you see him in his reply come out in his genuine colours." The passage alluded to is in these words: "Although the officious interference of individuals, without public character or authority, is not entitled to any credit, yet it deserves to be considered, whether that temerity and impertinence of individuals affecting to interfere in public affairs, between France and the United States, whether by their secret correspondence or otherwise, and intended to impose upon the people, and separate them from their government, ought not to be inquired into and corrected."

Mr. Jefferson further says, "The republican spirit is supposed to be gaining ground in this state and Massachusetts. The tax-gatherer has already excited discontent. Gerry's correspondence with Talleyrand, promised by the president at the opening of the session, is still kept back. It is known to shew France in a very conciliatory attitude, and to contradict some executive assertions. Therefore it is supposed they will get

their war measures well taken before they will produce this damper."

On the 16th, he writes to the same gentleman that the bill suggested by Dr. Logan's negotiation with the French government will pass; that a loan of five millions to the government had been opened at eight per cent. interest: that many of the members were desirous that Mr. Madison would publish his report of the debates in the convention which formed the constitution: that it was considered certain that the measures of the army, navy, and direct tax, would bring about a revolution of public sentiment, and that the constitution would then receive a different explanation. He thought that if those debates "could be ready to appear critically, their effect would be decisive."

Ten days afterwards he wrote a long letter to Mr. Gerry, who had returned from France a few months before, in answer to one he had received from that gentleman. He first exculpates himself from having had any agency whatever in Dr. Logan's visit to Europe, which was dictated altogether by his own enthusiastic zeal, and he then proceeds to make to Mr. Gerry a "profession of his political faith, in confidence that he would consider every future imputation on him of an opposite complexion," as false and calumnious. He sets forth his views and principles in reference to the constitution and general policy of the United States, and they are such as few in the present day would be willing to disclaim. He disavows all undue preference for France, but though deeply feeling the injuries of that nation, he did not think war the surest means of redressing them. "I did believe, he says, that a mission sincerely disposed to preserve peace, would obtain for us a peaceable and honourable settlement and retribution; and I appeal to you to say whether this might not have been obtained, if either of your colleagues had been of the same sentiment with yourself."

He noticed the state of parties in the United States since the embassy to France; says there was a great and growing opposition among the people to war with that nation, when most fortunately and critically the despatches of October 22nd, 1791,

prepared by his colleague Marshall, with a view of their being made public, dropped into their laps. This, he remarks, was truly a God-send, and they made the most of it—"there were instances of single individuals who printed and dispersed ten or twelve thousand copies at their own expense. The odiousness of the corruption supposed in those papers excited a general and high indignation among the people. Unexperienced in such manœuvres, they did not permit themselves even to suspect that the turpitude of private swindlers might mingle itself unobserved, and give its own hue to the communications of the French government, of whose participation there was neither proof nor probability. Still, however, the lovers of peace hoped something from Mr. Gerry's staying behind, but the despatches sent off to him, and the probable misrepresentations of the real wishes of the American people, destroyed those hopes. They then looked forward to his return for such information as might present them with "the other side of the medal." That has been since presented, and they now see from his correspondence with Talleyrand that France "was sincere and anxious to obtain a reconciliation, and was disposed to a liberal treaty." He mentions the sedative effects to the south of the alien and sedition laws, and that the direct tax was likely to have the same effect in the north, and "although there may be small checks, like Logan's pretended embassy, yet the tide is already turned and will sweep before it all the feeble obstacles of art."

The rest of the letter concerns Mr. Gerry personally. Mr. Jefferson assures him that the republican party have not joined in the abuse of him as he supposes, though they may have wished that he had been more full in his information concerning the course pursued by his colleagues, and that such a course seems due to himself as well as to his country. He refers him to the newspapers and toasts on the 4th of July to see who are his friends, and who his bitter enemies. He concludes by requesting that the letter may never go out of his hands, and to prevent accidents in case of death, urges him to destroy that part which contains facts which though sacredly conformable

to his firm belief, yet would be galling to some, and expose him to illiberal attacks."

This precaution, however, it seems was ineffectual, for the letter some years afterwards found its way into the newspapers, and its counterpart is among those copies which he always retained of his letters.

The predictions which Mr. Jefferson so confidently made in this letter, as well as to many other correspondents, of a favourable reaction of public sentiment, were completely verified, and in the very way and by the very means that he had predicted. And while we give him credit for his sagacity on this occasion, we must also remember that the buoyant and sanguine temper with which he was blest, always inclined him to take bright views of the future, and to indulge in hope where those of a different temperament would have desponded. This feature of his character was manifested throughout his life. It made him confident of success in the American revolution, and overlook or underrate the chances of failure which appalled those who consulted their fears rather than their wishes. He was equally ardent in his hopes of the French revolution, and scarcely abandoned them until Bonaparte had not merely assumed despotic sway, but indignantly thrown away all the disguises which state policy had thrown around it. In our domestic party struggles, he was ever anticipating some favourable change, either from the sanatory operation of odious measures in curing political blindness, or from some propitious change on the great theatre of war in Europe. The same constitution of mind made him anticipate good crops and high prices in his agricultural enterprises, and manifested itself in his expectations of the last cherished object of his affections, the university.*

It may admit of a question among moralists, whether such a

* He was persuaded that he should live to see the number of its students amount to from 500 to 1000; and the second year after it went into operation, when about 100 had arrived, he seemed confident there would be 300. The data on which he made this estimate did not seem to others to warrant the expectation of more than 200, and the actual number was only 177.

disposition to over-estimate the chances of good, conduces more to the happiness or misery of its possessor. Thus, on the one hand it may be said that if it gives him more enjoyment from the contemplation of the future, he must, on that very account, experience more disappointment. The life of such a person, is that of the infatuated gamester, who though always tempted to play by the hope of winning, is always subject to the vexation of loss and disappointment; that, although such a state of mind may be preferable to that of despondency, which adds the imaginary to the real ills of life, and which ever poisons present enjoyment with the fear of future evil; yet a calm and equable temper, one that has no anticipations of the future sufficiently vivid to give either much pleasure or pain, is better than either of the others; as it is at once exempt from the disappointments which await the sanguine, and the perpetual self-torment of the gloomy and desponding. It must be confessed that such a neutral temper is the safest. Sailing on an unruffled sea, if the voyage of these quietists is slow, and often tedious, it is secure from storms and shipwreck. Theirs is the small traffic in the emotions, which though it may not make them rich, will never expose them to bankruptcy. But, in spite of this reasoning, it seems probable that the cheerful and sanguine temper experiences a greater amount of felicity than either of the others. The sum of his enjoyment is admitted to be greater in good fortune; and as to the more frequent disappointments to which he is exposed, he has a sure antidote for them in some new hope, whose illusory power of decking the future with the hues of the rainbow, and of giving the mockeries of fancy the same appearance of reality, continues to the last. Persons of this character pass their lives in one continued dream of either hope or enjoyment. When they find that they have been cheated by one picture of their fancy, they may indeed not suffer themselves to be deluded by the same promises, but then some new object presents itself to their imaginations to exhibit the same fascinations; to be pursued with the same ardour; and, but too probably, to prove, in the end, the same fleeting shadow and illusion. Such persons can no more be deprived of this their happy cre-

dulity, than they can be prevented from believing in the reality of their dreams by having found all former dreams delusive. If now and then, (for a single calamity scarcely ever produces that effect,) an uninterrupted series of misfortunes be found sufficient to weaken or destroy this propensity, yet, on the other hand, it must be recollected that, in the common course of events, many of their agreeable anticipations are equalled, and even exceeded by the reality; and one instance of this character tends more to confirm their propensity, than several of an opposite description do to correct it.

CHAPTER III.

Letter to Edmund Pendleton. Conciliatory course of the President towards France. Discord in his Cabinet. Letter to Kosciusko. Appointment of Ministers to France. Letter to Mr. Madison. Resolutions of Virginia and Kentucky on the Alien and Sedition Laws. Unjust Censure of the late Envoys to France. Question concerning the Common Law of England. Concerted operations of the Republican Party. Meeting of Congress. Death of Washington. Letter to Mr. Monroe. Proceeding of Congress. Letter to Gideon Granger. Aspersions on Mr. Jefferson. Letter to Dr. Rush. Moral influence of Cities considered. Presidential Election. Letter to Burr. The election of President devolves upon Congress. Proceedings in that Body. Public anxiety during the Election. Thomas Jefferson finally elected. His letter to Mr. Monroe.

1798.

On the 29th of January, Mr. Jefferson addressed a letter to Edmund Pendleton, the venerable president of the court of appeals, whose recent "patriarchal address to the people" he highly commends. He regards Gerry's correspondence as exculpating the French government from the turpitude imputed to it, and attributes the whole affair to swindlers. He urges Mr. Pendleton to communicate it to the public in a recapitulation "short, simple, and levelled to every capacity." Remarking, "nobody in America can do it so well as yourself." He forwards the documents that would enable him to make the recapitulation. He thinks that "if the understanding of the people could be rallied to the truth of this subject, by exposing the dupery practised on them, there were so many other things about to bear

on them, favourably for the resurrection of their republican spirit, that a reduction of the administration to constitutional principles could not fail to be the effect." These were "the alien and sedition laws, the vexations of the stamp act, the disgusting particularities of the direct tax, the additional army without an enemy, and recruiting officers lounging at every courthouse, to decoy the labourer from his plough; a navy of fifty ships, five millions to be raised to build it, on the usurious interest of eight per cent.; the perseverance in war on our part, when the French government shows such an anxious desire to keep at peace with us; taxes of ten millions now paid by four millions of people, and yet a necessity, in a year or two, of raising five millions more for annual expenses."—He solemnly denies all agency in Logan's voyage to Europe. He merely gave him a certificate of citizenship, as he had given to hundreds of others of both parties.

It appeared to Mr. Jefferson and his party friends, that the ensuing summer was the moment for exertion, for the purpose of profiting by the unpopularity of the alien and sedition laws, and the new taxes, and thus counteracting the influence of the despatches from France. The public sentiment being on the turning point, or "on the creen," as he expresses it, and many circumstances favouring the republican cause, he remarks, to Mr. Madison, "this summer is the season for systematic energies and sacrifices. The engine is the press. Every man must lay his purse and his pen under contribution. As to the former, it is possible I may be obliged to assume something for you. As to the latter, let me pray and beseech you to set apart a certain portion of every day to write what may be proper for the public."

About a fortnight after the preceding letter, he renewed his application to the venerable Judge Pendleton, then verging towards eighty, to take up his pen. He says, "the violations of the Constitution, propensities to war, to expense, and to a particular foreign connexion, which we have lately seen, are becoming evident to the people, and are dispelling that mist which X Y Z had spread before their eyes." He gives a flattering account of the politi-

cal changes which the alien and sedition laws were effecting in Pennsylvania, New York, and New Jersey; adverts to the danger in Pennsylvania of insurrection, and judiciously remarks that nothing could be so fatal to the republican interests. "Any thing like force would check the progress of the public opinion, and rally them round the government." "If we can keep quiet, therefore, the tide now turning will take a speedy and proper direction." This wholesome advice was recollected the following year by his friends, when strongly tempted to disregard it by the popular odium attending the execution of the sedition law.

He then enters into some details to prove that France was desirous of a reconciliation, and that the administration endeavoured to provoke her to hostilities. He admits that the French have behaved atrociously towards foreign nations, and to us particularly, and adds, that "their enemies set the first example of violating neutral rights, and continue it to this day. Yet not a word of these things is said officially to the legislature."

Indeed it was evident, not merely from the liberation of American prisoners at Guadaloupe, but the whole course of the French government, that after the first expression of ill-humour towards this country, when they discovered the resentment their treatment of our envoys had excited, and that they had added to the strength of the friends of England, and lessened that of their own, they were sincerely disposed to arrest the progress of the mischief, and to effect a-reconciliation with the United States. But whether they would have felt the same disposition if their conduct had been less warmly or generally resented, may be very fairly questioned. Actuated by these pacific views, they made overtures which the president did not think it prudent or proper to decline, and which eventually had great influence on the feelings of both parties. The president's message to the Senate on this subject is thus mentioned by Mr. Jefferson in a letter to Mr. Madison, of the 19th of February:

"But the event of events was announced to the Senate yesterday. It is this:—it seems that sometime after Gerry's departure, overtures must have been made by Pichon, French

chargé d'affaires at the Hague, to Vans Murray.* They were so soon matured, that on the 28th of September, 1798, Talleyrand writes to Pichon, approving what had been done, and particularly of his having assured Murray that *whatever* plenipotentiary the government of the United States should send to France, would be received with the respect due to the representative of a *free, independent and powerful nation*; declaring that the dispositions of the French government have always conformed to the president's instructions to his envoys at Paris, and desiring him to communicate these expressions to Murray, to be conveyed to his government. This letter of Talleyrand's may have been received by Pichon on the 1st of October, and, of course, nearly five months have been suffered to elapse before it is communicated."

On that day the president nominated Mr. Murray minister to France, and at the same time stated that he would be instructed not to go to France without satisfactory assurances from the French government that he should be received with proper respect, and that a minister of equal rank would be appointed to negotiate with him.

It appeared that, in taking this step, the ruling party were divided, and that it was disapproved by a majority of the cabinet, and by the great body of the federalists in both houses. Some had such a hatred and dread of French principles in government and morals, that they would rather encounter the evils of war with France, than risk a closer connexion: but many also apprehended that, by a settlement of our differences with that country, they must lose much of the advantage over their adversaries which they then possessed; that the military ardour which had been aroused would subside; and the sense of common danger, and the feelings of national pride and resentment would no longer afford their powerful support to the government; that when these counteractions of the alien and sedition laws and the new taxes should be removed, the inherent un-

* William Vans Murray of Maryland, then American minister to Holland.

popularity of these acts would bring the administration into discredit with the people, and give their rivals the ascendancy; for the angry passions of party zealots, deprived of all other objects, would concentrate on the two obnoxious laws and other measures of the federalists, against which they already had evidence of a strong popular leaning.

This last view did not escape the sagacity of Mr. Jefferson. After speaking of the dismay and confusion which this unexpected communication occasioned among the federalists, he adds, "It silences all arguments against the sincerity of France, and renders desperate every further effort towards war."

A letter written a few days afterwards by Mr. Jefferson to Kosciusko, though it speaks of the issue of war or peace as uncertain, shows that the political principles of either party would prevail, according to the decision of that question. "What course, he remarks, the government will pursue, I know not. But if we are left in peace, I have no doubt the wonderful turn in the public opinion now manifestly taking place, and rapidly increasing, will, in the course of this summer, become so universal and so weighty, that friendship abroad and freedom at home will be firmly established by the influence and constitutional powers of the people at large. If we are forced into war, we must give up political differences of opinion, and unite as one man to defend our country. But whether, at the close of such a war, we should be as free as we are now, God knows. In fine, if war takes place, republicanism has every thing to fear; if peace, be assured that your forebodings and my alarms will prove vain; and that the spirit of our citizens, now rising as rapidly as it was then running crazy, and rising with a strength and majesty which show the loveliness of freedom, will make this government in practice, what it is in principle, a model for the protection of man in a state of *freedom and order*."

On the 25th of February, the president sent in a nomination of Oliver Ellsworth of Connecticut, Patrick Henry of Virginia, and William Vans Murray of Maryland, to be ministers to France, accompanied with a similar declaration as to the two

first as had been made in the case of Mr. Murray. Mr. Jefferson thus comments on it:

Adverting to the nomination of Mr. Murray, Mr. Jefferson writes to Mr. Madison, on the 26th of February; he says, "Never did a party show a stronger mortification, and consequently that war had been their object. Dane declared in debate, (as I have from those who were present,) that we had done every thing which might provoke France to war; that we had given her insults which no nation ought to have borne, and yet she would not declare war. The conjecture as to the executive is, that they received Talleyrand's letter before or about the meeting of Congress: that not meaning to meet the overture effectually, they kept it secret, and let all the war measures go on; but that just before the separation of the Senate, the president, not thinking he could justify the concealing such an overture, nor indeed that it could be concealed, made a nomination, hoping that his friends in the Senate would take on their own shoulders the odium of rejecting it; but they did not choose it. The Hamiltonians would not, and the others could not, alone. The whole artillery of the phalanx, therefore, was played secretly on the president, and he was obliged himself to take a step which should parry the overture, while it wears the face of acceding to it. (Mark that I state this as conjecture; but founded on workings and indications which have been under our eyes.")

Not long before the rising of Congress intelligence was received that the *Constellation*, an American frigate of 36 guns, commanded by Commodore Truxton, had captured a French frigate, of the largest class, after a sharp action, and thus gave an earnest of the skill and prowess which were, at a subsequent day, to characterize the American navy. The exploit was very differently received by the two parties. Whilst it was regarded by the federalists as adding cause of party triumph to the honest exultation of patriotism, the republicans saw in it an accession of strength to those whom they believed already too strong for the interests of the country, and a further widening of the breach with the only power which could save that

country from a close and fatal connexion with England. It is however always an unfortunate position, and commonly a culpable one, in which a citizen cannot rejoice at the victories of his country.

A few days afterwards Mr. Jefferson set out for Virginia and called on Mr. Madison on his way to Monticello.

The election of members of Congress as well as delegates to the assembly coming on at this time, in Virginia, great exertions were made by both parties to add to their strength both in the national and state legislature. General Marshall, the late minister to France, was a candidate for Congress in the district in which he resided. His known talents and weight of character, together with the eclat he had acquired both by his firm and manly course towards the French government, and the ability with which he had defended that course in his despatches, would bring great support to the administration in the House of Representatives. For the same reason his election was vehemently opposed by the republican party, but he finally prevailed.

On the other hand, Mr. Madison, who had been in private life for the last two years, now became a member of the legislature of Virginia, for the purpose of making a fuller and more effectual appeal to the other states on the violations of the constitution in the alien and sedition laws; especially as several of the states had passed resolutions in opposition to those passed at the preceding session of the Virginia assembly. To counteract him, Patrick Henry, who had refused the mission to France, was also elected to the assembly by the friends of the administration. Thus the two most distinguished champions for and against the present constitution, were, after the lapse of ten years, still found opposed to each other in its administration, but each fighting under the banners of the party it had formerly opposed. They were, however, not destined again to come into personal conflict, as Mr. Henry died about two months after he was elected.

From the manner in which Mr. Jefferson speaks of the despatches from the American envoys at Paris, and the censure

which he evidently attaches to two of them, Generals Marshall and Pinckney, it may be thought that he means to question the veracity. Yet on a closer view, it will be found that he does not call in question the facts stated by them, but only that the persons whom they supposed to be informal agents of the French government, had no such authority, and were in fact swindlers who were disposed to profit by the known alienation which then existed between the two governments: and that our ministers were to blame either for their too easy credulity, or because they did not make greater efforts for removing the obstacles which had thus presented themselves to the negotiation that they wanted, as he intimates in his letter to Mr. Gerry "that flexibility which persons earnest after peace would have practised:" that their manner was cold, reserved, and distant if not backward: and that if they had yielded to those informal conferences which Talleyrand seemed to have courted, liberal accommodations would have been effected."

If there ever was any ground for even these suspicions they have since been completely removed. The narrative of our envoys has been confirmed by the impartial testimony of all parties in Europe, and now meets with universal assent in America. Yet when looked at by the jaundiced eyes of party it is not wonderful that the blame of the failure should have been thrown on their domestic rivals rather than on foreign friends; and when Mr. Jefferson limits his censure to their too easy credulity, or to a want of cordiality and perseverance although we may admit that he too is unjust, it must also be admitted that his injustice has been less harsh and illiberal than that which his political adversaries often dealt out to him.

His confident expectation of a revolution in public sentiment is manifested in a letter to Mr. Lomax, an old college friend, on his return to Monticello. "You ask for any communication I may be able to make, which may administer comfort to you I can give that which is solid. The spirit of 1776 is not dead. It has only been slumbering." He then proceeds to detail the grounds of these his favourable expectations: "Pennsylvania, New Jersey and New York are coming majestically round to the

true principles. The atrocious proceedings of France towards this country had well nigh destroyed its liberties. The anglo-men and monocrats had so artfully confounded the cause of France with that of freedom, that both went down in the same scale." He here commends a course of policy, which repeated in his first inaugural address, afterwards obtained the currency and authority of a maxim among the republican party. "Commerce with all nations, alliance with none, should be our motto."

After the turmoil of the state elections was over, and the indignation against France had been suspended by her pacific overtures and the appointment of new ministers, there was nothing which so much occupied the public attention as the sedition law. Assailed by the opposition papers in every state by reiterated attacks and unremitting ardour, and feebly defended or excused by their adversaries, public opinion seemed fast settling down that it was a violation of the constitution. But there was another principle which had been recently asserted by some of the judges who supported the administration, which excited the vehement opposition of their antagonists, and which furnished fresh ground of increasing the popular distrust of a settled design to overturn the constitution. This principle was, that that system of rules and principles which is called the common law of England, and which is not to be found in any legislative act, but the evidence of which exists only in the decisions of the courts, and in immemorial usages, had authority in the federal government; and that thus its courts had cognisance of offences under the common law, though they were not made such by any act of congress. This claim of jurisdiction called forth volleys of attack in the form of newspaper disquisitions and pamphlets. Several of the state legislatures also took the subject into consideration; some giving the doctrine their sanction, and others strenuously and indignantly denying it.

Among those who employed their pens on this topic was Mr. Edmund Randolph, the late secretary of state, who wrote to Mr. Jefferson on the subject. Mr. Jefferson in his answer, spoke of the doctrine as, of all others which had been broached by the federal government, the most formidable; "that the bank law, the

treaty doctrine, the sedition act, &c. &c., have been solitary, un consequential, timid things, in comparison with the audacious, barefaced, and sweeping pretension to a system of law for the United States, without the adoption of their legislature, and so infinitely beyond their power to adopt." He proceeds to show that the common law could become a part of the law of the general government only by positive adoption; and, being neither adopted, nor capable of being adopted, by reason of the limited powers of the federal government, it could constitute no part of its law.

During this summer, as the year before, Mr. Jefferson with his confidential friends, Mr. Madison, Mr. Monroe, and Colonel Wilson C. Nicholas, held consultations about the most effectual plan of proceeding relative to the recent violations of the constitution. Mr. Jefferson thought that a declaration should be made by the Virginia legislature for the purpose—first, of answering the reasonings of those states which had supported the acts of Congress: secondly, of protesting against the precedent and the principles involved, but *reserving* the right of doing in future whatever this palpable violation of the federal compact would now justify us in doing, if repetition of the wrong should render it expedient: thirdly, expressing in conciliatory language the attachment of Virginia to the Union, to the other states, and to the constitution; that she was willing to sacrifice to those objects every thing but the right of self-government in those important points which she had never yielded, and in which alone she saw liberty, safety, and happiness; "that far from wishing to make every measure a cause of separation, she was willing to wait till the delusions which had been artfully excited, had passed away, in the confidence that the good sense of the American people and their attachment to their rights would rally around the true principles of the constitution: fourthly, animadversions on the new pretensions to a common law of the United States.

It seems that Mr. Madison, with his characteristic moderation and prudence, and warm attachment to the Union, objected to the *reservation* proposed by Mr. Jefferson. But it does not ap-

pear whether his objection arose from his denial of the right, or from his unwillingness to see the destruction of that union and constitution which he had contributed to create, even obscurely threatened.

Mr. Jefferson declined preparing resolutions for the legislature of Kentucky; but he suggested the above topics to Colonel Nicholas, who was about to go to that state, for the purpose of procuring a concert of action between Virginia and Kentucky.

A few weeks before he set out for Philadelphia he was preparing to make a visit to Mr. Madison, to have a further consultation on the plan of operations, but was dissuaded from it by Mr. Monroe, on the ground that all his actions were watched, and furnished grounds of suspicion and attack to be circulated through the newspapers. He regretted this the more because some recent circumstances had changed the aspect of their situation, and from his determination to trust the post-offices with nothing confidential.

One of the schemes deemed advisable by the republican party in Virginia, was a change in the mode of choosing the electors of president in Virginia. It had previously been by separate districts, by reason of which the vote at the preceding election had not been unanimous; whereas in most of the states, the electors were chosen either by the legislature, or by a general vote of the people, by which modes the votes of the electors in those states were always for the same individuals, and the voice of their minorities was entirely drowned. To give Virginia the same political weight, in this important matter of choosing the chief magistrate of the nation, it was proposed to change, at the next session of the legislature, the mode of election from districts to that by general ticket; and the public mind was prepared for the change through the agency of the press.

When Congress met in December, it appeared that the assurances required by the executive of the French government previous to the sending other ministers there, had been given, in consequence of which the three ministers had proceeded on their mission. No doubt was now entertained that all differences would be amicably terminated; and as is usual on these occa-

sions both parties sought to profit by this happy issue; the administration party attributing the change of tone in the French government to the unexpected spirit of resentment which had been manifested by the people of the United States; and their opponents, regarding the conciliatory temper exhibited by France, as evidence that she had always wished to be on friendly terms with this country; but that her wishes had been counteracted by the policy of the federalists. It seems probable that both parties were partly right; and that the government of France did not really desire a rupture with this country, but they meant to avail themselves of the aversion to war on the part of the American people to preserve the influence and ascendancy of their friends here; and they never would have sought to preserve peace by conciliation, and still less by concessions, if they had not found they had overrated their influence, and miscalculated the temper of the people.

A. 1799.
Vernon.
 About a fortnight after the meeting of Congress, the whole United States were thrown into mourning by the unexpected death of General Washington, who being caught in a rain while taking a ride on his estate, was attacked by a quinsy and fever, which terminated his existence at the end of the second day. There never had been a moment since the peace of 1783, when his death would have excited such lively and sincere regret by one half the nation as at present, or probably so little by the other; yet the recollection of his eminent public services, his purity of purpose, and the unequalled elevation of his character, softened for a time even the fierce spirit of party zealots, and his political opponents united with his warm and almost idolatrous friends to pay to his memory unprecedented public honours.

Public processions and funeral solemnities took place in every city and town in the United States, in testimony of the respect in which he had been held. By an unanimous vote of both Houses of Congress a funeral procession was ordered to take place on the 26th, and an oration to be delivered by one of their body; a monument was voted to be erected over his remains in the city

which bears his name, and the people of the United States were recommended to wear crape for thirty days.

It was the 30th of the month before Mr. Jefferson took his seat in the Senate. On the 12th of January he gave to Mr. Monroe, who was then Governor of Virginia, the state of parties at that time in Congress, and communicated favourable intelligence from New York, New Jersey, and Pennsylvania. Mr. Madison was then also in Richmond, where, as a member of the legislature, he introduced that celebrated report and resolutions on the alien and sedition laws, which had, no doubt, been carefully prepared in the summer, and which then met the admiration and assent of the whole republican party in the United States, and has since become the manual of all asserters of the rights of the separate states against the supposed encroachments of the general government. Though he was supported by numbers as well as his own talents and political weight, the victory over the federalists in the legislature was not obtained without a struggle. The question was long and ably debated, and a respectable minority voted against the report. It is supposed that this able document contributed not a little to increase and confirm the effect which the direct tax, and the alien and sedition laws had produced in the northern states.

However Mr. Jefferson may have been heretofore misled by his hopes to consider the cause of France to be that of civil liberty, he was soon undeceived. The course of Bonaparte was no longer equivocal to him. He thus writes to the venerable Samuel Adams of Massachusetts, on the 26th of February: "I fear our friends on the other side of the water, labouring in the same cause, have yet a great deal of crime and misery to wade through. My confidence had been placed in the head, not in the heart of Bonaparte. I hoped he would calculate truly the difference between the fame of a Washington and a Cromwell. Whatever his views may be, he has at least transferred the destinies of the republic from the civil to the military arm. Some will use this as a lesson against the practicability of republican government. I read it as a lesson against the danger of standing armies."

The course pursued by the federal party at this session was adapted to the prospect of an adjustment with France. The building of the seventy-fours was stopped, and the further enlistment of men. But there was no party question which called forth more effort or talent than the conduct of the president in relation to one Jonathan Robbins, an individual who had been surrendered to a British man of war. He had been claimed by the British consul under an article of the treaty of 1794, and had been delivered up under an order of the president. As Robbins alleged he was an American citizen, the act was loudly condemned by the republicans, on the ground that sufficient precautions had not been taken to ascertain whether his claim to citizenship was well founded; and that a disposition to truckle to the British government had been manifested by the administration. As the president's course was defended by his friends, a vote of censure was offered by one party and of approbation by the other. The subject was earnestly debated for some days, and the opposition seemed about to triumph, when General Marshall made an argument of so much power and skill as to turn the current the other way. He even attained the rare success of convincing some of his opponents, and of silencing those whom he could not convince.

Mr. Jefferson thus speaks to Mr. Madison of the approaching presidential election. "As the conveyance is confidential, I can say something on a subject which, to those who do not know my real dispositions respecting it, might seem indelicate. The federalists begin to be very seriously alarmed about their election next fall. Their speeches in private, as well as their public and private demeanour to me, indicate it strongly." He then details the probable votes of most of the states, and thus concludes: "Still these are the ideas of the republicans only in these three states, and we must make great allowance for their sanguine views. Upon the whole, I consider it as rather more doubtful than the last election, in which I was not deceived in more than a vote or two."

On the 12th of May he writes to the same correspondent, 'the federalists have not been able to carry a single strong

measure in the lower House the whole session. When they met it was believed they had a majority of twenty; but many of these were new and moderate men, and soon saw the true character of the party to which they had been well disposed while at a distance. The tide, too, of public opinion sets so strongly against the federal proceedings, that this melted off their majority, and dismayed the heroes of the party. The Senate alone remained undismayed to the last. Firm to their purpose, regardless of public opinion, and more disposed to coerce than to court it, not a man of the majority gave way in the least."

Mr. Jefferson, in answer to a letter received from Mr. Gideon Granger of Connecticut, afterwards post-master general, speaks of the inconveniencies which would arise if the New England states should continue to support the principles of the federalists, though a majority in Congress should entertain different sentiments; and he presents some strong views of the true principles of our government, which were well calculated to produce effect among the soberminded in that part of the Union. "Our country, he says, is too large to have all its affairs directed by a single government. Public servants at such a distance, and from under the eye of their constituents, must, from the circumstance of distance, be unable to administer and overlook all the details necessary for the good government of the citizens, and the same circumstance, by rendering detection impossible to their constituents, will invite the public servants to corruption, plunder, and waste. And I verily believe, that if the principle were to prevail, of a common law being in force in the United States, (which principle possesses the general government at once of all the powers of the state governments, and reduces us to a single consolidated government,) it would become the most corrupt government on the earth. You have seen the practices by which the public servants have been able to cover their conduct, or, where that could not be done, delusions by which they have varnished it for the eye of their constituents. What an augmentation of the field for jobbing, speculating, plundering, office building and office hunting would

be produced by an assumption of all the state powers into the hands of the general government." To the following rule of action in our civil affairs, most reflecting minds will yield assent. "Let the general government be reduced to foreign concerns only, and let our affairs be disentangled from those of all other nations, except as to commerce, which the merchants will manage the better, the more they are left free to manage for themselves, and our general government may be reduced to a very simple organization, and a very unexpensive one; a few plain duties to be performed by a few servants."

Mr. Jefferson, as the most efficient individual of the democratic party, the centre around which they all rallied, and the leader who skilfully guided their councils, had always been a prominent object of vituperation for the federal prints; but ever since he had been the declared candidate of his party for the presidency, slander had been more unremitting in its attacks, as well as more bitter and extravagant in its falsehoods. He notices one of these calumnies in an answer to a letter he had received from a Connecticut correspondent, and which serves as a specimen of the rest. "If the reverend Cotton Mather Smith of Shena, believed this ["that a day will come when the false witness will meet a judge who has not slept over his slanders"] as firmly as I do, he surely never would have affirmed that 'I had obtained my property by fraud and robbery; that in one instance I had defrauded and robbed a widow and fatherless children of an estate to which I was executor, of ten thousand pounds sterling, by keeping the property and paying them in money at the nominal rate, when it was worth no more than forty for one, and that all this could be proved.' Every tittle of it is false; there not having existed a single circumstance of my life to which any part of it can hang. I never was executor but in two instances, both of which having taken place about the beginning of the revolution, which withdrew me immediately from all private pursuits, I never meddled with either executorship. In one of the cases only, were there a widow and children. She was my sister. She retained and managed the estate in her own hands, and no part of it was ever in mine.

In the other, I was a copartner, and only received, on a division, the equal portion allotted to me."

We may here notice another proof of Mr. Jefferson's propensity to look at every thing with the eye of hope, in a letter which he wrote to Dr. Rush, of Philadelphia, September 23d. In speaking of the yellow fever, which had of late years made great ravages in the principal cities and towns of the Atlantic states, he remarks, "When great evils happen, I am in the habit of looking out for what good may arise from them as consolations to us, and Providence has in fact so established the order of things, as that most evils are the means of producing some good: The yellow fever will discourage the growth of great cities in our nation, and I view great cities as pestilential to the morals, the health, and the liberties of mankind. True, they nourish some of the elegant arts, but the useful ones can thrive elsewhere; and less perfection in the others, with more health, virtue and freedom, would be my choice."

These opinions of the mischievous effects of great cities were entertained at that time by many of our political speculators; and if they are well founded, it would follow that the evils, moral and physical, which they ascribe to cities, are the inevitable portion of our species, since these congregations of men are the necessary consequence of a dense population, and of the social instinct. They arise too from the natural distribution of population, by which the sum of human comfort and enjoyment is enhanced. Labour and skill are thus rendered more efficacious, both for those who live in the country, and those who live in the cities. They are favourable, moreover, to science, to most kinds of knowledge, as well as to practical art; and it is in the collision and rivalry of different minds that the important sciences of legislation, government and jurisprudence, by which the safe and permanent enjoyment of all other blessings are secured to us, are best cultivated and matured.

But if, in spite of all these advantages, they are, on the whole, unfavourable to virtue and happiness, they must be regarded as evils, and should be discouraged. Be it so: and yet the immoral tendencies of cities may perhaps be not a necessary, but an ac-

cidental consequence, and under those improved forms of society to which we seem in many respects tending, cities may be found to favour some virtues as much as the country favours others. In making the estimate of their comparative advantages, it is not easy for one to make just allowance for his peculiar tastes, by which he is led to overrate or underrate particular virtues and manners. Thus the forms of social intercourse, which custom introduces in cities, will offend some by their seeming insincerity, and will be recommended to others by their fitness for the intercourse of those who are strangers to each other, or who are made over-sensitive by refinement. Extreme politeness is not required for the blunt feelings of the rustic, but is a necessary safeguard for the delicate sensibility of a highly cultivated mind, as the defences against the inclemency of the seasons, which are indispensable to the civilized man, are not needed by the savage. These forms are, it is true, in part compounded of dissimulation, but in this instance dissimulation loses its character of vice in its utility. One clown may tell another that he is ugly and awkward, is foolish or disagreeable, without giving mortal offence, or making the other seriously unhappy. But after an individual has become refined by mental cultivation, and the constant chafing of society, he would be as effectually restrained from these offensive acts by benevolence and sympathy, as by a hypocritical and interested desire of pleasing; and should the former qualities be wanting, and the latter motive alone prevail, this must be regarded as a less evil than that he should mortify the feelings of others without any benefit to himself.

But the advocates for the superior purity of rural life may say that though the excessive delicacy and sensitiveness which cities may make dissimulation the least of two evils, yet they should be held responsible for that lesser evil, as they create its cause. Let this be conceded, and still it may be questioned whether there is a greater sum of virtue in the country than in town. If some vices find a more congenial soil in the cities, do not others find it in the country? Do not the former present as favourable a theatre for generosity and charity and disinterest-


edness and philanthropy—all the virtues, in short, which arise from a delicate sympathy, or for the exercise of the severer virtues of fortitude, bravery, justice and self-denial? The difference in this respect is probably inconsiderable. Cities certainly appear to afford more opportunity for the growth of virtue and vice—as weeds and flowers shoot with equal vigour in the same hot-bed; and according as an individual is there placed in circumstances which favour the one or the other, will he be more virtuous or vicious than if he were placed in the country. Here then we accordingly find the extremes not only of poverty and wealth, but of virtue and depravity. Here we meet with the most thorough misers, and the dispensers of princely munificence—here the self-devoted patriot and the degenerate coward—here with the blood-thirsty assassin, the untiring visiter of the sick, the generous reliever of the necessitous, and even the kind consoler of criminals. And if we do not see such instances of the utter destitution of moral feeling in the country, neither do we see there such striking examples of exalted virtue.

In making the comparison our imagination deceives us. We see the country gentleman dispensing his unbought hospitality with a cordiality and a freedom which have no example in cities. But we forget that this virtue is the more easily practised, in proportion as the occasions of it are more rare; and that if the host appears to be the party on whom the favour is conferred, that this is sometimes really the fact; for he is relieved from his wearisome sameness, and he gladly exchanges a small portion of that which he has in abundance for the pleasures of society, and of hearing the news; for the means of improving the manners and minds of his children; and possibly for the gratification of displaying his hospitality, and of conferring a favour. Let, however, the visit be continued or repeated, so as to produce inconvenience, and he probably will show the same unamiable selfishness as the townsman, who, his regular habits being broken upon, had felt the inconvenience from the first. Does the resident of the country show more forbearance to his neighbour, more readiness to yield up his own interest for the benefit of another? Let the disputes about roads, and mill-ponds, and dividing fences,

and the depredations of cattle answer this question. How often do we see their resentment excited by the most trifling injuries, and their pride keep these animosities rankling for years, and even transmitted to the next generation! It may be safely asserted that Mr. Jefferson did not experience more rancorous hostility from the most bigotted of his political adversaries in Philadelphia, than from some of his neighbours in Albemarle, though he lived in as much harmony with them, and had more and warmer friends than falls to the lot of most men. And as to party feuds, if they exhibit the same rancour and bitterness every where, they are more lasting in the country. Thus, while Anti-masonry maintained its ground in the western parts of New York, parties changed their name and character perhaps half a dozen times in the city. Upon the whole, then, it seems as if we may console ourselves with the reflection that the growth of cities, which naturally keeps pace with the growing density of population, is not necessarily unfriendly to morality or happiness.

In the same letter Mr. Jefferson speaks of the hostility of the clergy towards him, and imputes to them hopes that the infraction of the constitution in the sedition law would pave the way to a law abridging the freedom of religion, and establishing a particular form of christianity in the United States. "The returning good sense of our country," he adds, "threatens abortion to their hopes, and they believe that any portion of power confided to me, will be exerted in opposition to their schemes. And they believe rightly: for I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

At the presidential election which took place in November, the parties tried their strength before the nation, Thomas Jefferson and Aaron Burr being the candidates of the republicans, and John Adams and Charles Cotesworth Pinckney, of the federalists, when the two former obtained each 73 out of the 138 votes; Mr. Adams 65 votes; General Pinckney 64 votes; and Mr. Jay 1 vote. The vote of South Carolina had long been in suspense, each party being sanguine of obtaining it, as accord-



ing to the known distribution of the other votes, it would decide the election. It was eventually given to Jefferson and Burr,* and it is not improbable that it would have been obtained by the federal party, if Alexander Hamilton had not written a pamphlet to prove Mr. Adams's unfitness for the office. But while General Hamilton wished to defeat Mr. Adams's election, he was desirous of promoting General Pinckney's: if so, his object was only half attained. It is said that his course was dictated by resentment, in consequence of Mr. Adams having resisted the wishes of his cabinet to give the second appointment in the provisional army to Hamilton.

In the month of December, when the issue of the election was ascertained, Mr. Jefferson, not anticipating that equality of votes between Colonel Burr and himself, which would carry the election to the House of Representatives, began to look about for the formation of his cabinet, and having concurred with the general voice of the nation in selecting Mr. Madison for the department of state, and Mr. Gallatin for the treasury, he wrote to Mr. Robert R. Livingston to offer him the place of secretary of the navy. He spoke of the importance of having persons of talent, integrity, and who were known to the people, in the administration, now that the government was to be restored to its true republican principles, instead of continuing what the French had termed it, a *monarchie masqué*.

Congress met in Washington, the new seat of government, on the 17th of November, and then ascertained that all differences had been settled with France. By a recent revolution of the political wheel, the executive power of that country had lately passed into new hands, and was chiefly directed by him whose will governed the destinies of France for fifteen years afterwards.—The most extraordinary man of his age, whether we re-

* The votes given to Jefferson and Burr were as follows: New York, 12; Pennsylvania, 8 out of 15; Maryland, 5 out of 10; Virginia, 21; Kentucky, 4; North Carolina, 8 out of 12; Tennessee, 3; South Carolina, 8; and Georgia, 4. The republicans received the unanimous votes of seven states, the federalists of six. Those of Pennsylvania, Maryland, and North Carolina were divided between them.

gard the fitness of his talents and energy of purpose to the country and circumstances in which he was placed, the singular success which rewarded them, or that total reverse of fortune which left him nothing but his matchless fame. When Napoleon Bonaparte first appeared above the horizon, in the stormy night of the revolution, it was as the friendly star which lights the tempest-tost mariner to safety. While this new luminary rapidly ascended and increased in brightness, the admiring world was in doubt whether it betokened good or evil; but when it had culminated to the zenith, it appeared a baleful meteor, casting a disastrous twilight on the surrounding gloom, and portending despotism to France and subjugation to the rest of Europe, until, descending yet more rapidly than it rose, it left a long track of glory in the heavens which the world now relieved from its fears, has not yet ceased to regard with wonder, curiosity, and delight.

On the 15th of December, when a precise return of the votes had not been received, Mr. Jefferson wrote to Colonel Burr, and informed him of the reports in circulation that he had received a smaller number of votes than himself in some of the states, yet still enough to put him before Mr. Adams. He at the same time expressed his regret that he should lose the benefit of Colonel Burr's talents in the cabinet. The language used on this occasion has been thought inconsistent with a remark made in his diary, that Colonel's Burr's conduct had, very soon after their acquaintance, "inspired him with distrust."* The passage in this letter runs thus: "I feel most sensibly the loss we sustain of your aid in our new administration. It leaves a chasm in my arrangements, which cannot be adequately fitted up. I had endeavoured to compose an administration whose talents, integrity, names and dispositions, should at once inspire unbounded confidence in the public mind, and insure a perfect harmony in the conduct of the public business. I lose you from the list, and am not sure of all the others. Should the gentlemen who possess the public confidence decline

* Jeff. Corr., Vol. IV. p. 520.

taking a part in their affairs, and force us to take people unknown to the people, the evil genius of this country [meaning Hamilton] may realize his avowal, 'that he will beat down the administration.' " But surely it is not at all extraordinary that this favourable testimony of Colonel Burr's qualifications, founded quite as much on his popularity as on his talents and integrity, should be at variance with Mr. Jefferson's opinion at a previous or a subsequent period; or that when in 1801 Burr had excited suspicions of his good faith, and in 1806 and 1807 had proved himself undeserving, Mr. Jefferson should have returned to his first unfavourable impressions.

As soon as it was ascertained that between Jefferson and Burr the votes were equal, the federalists began to devise means of turning it to their account, either by defeating the election altogether, as some of the more violent and unprincipled of the party wished, or to effect the election of Burr, partly for the sake of disappointing the wishes of their political rivals, and partly because they considered that both from his character and his gratitude to them for the unlooked for and unmerited favour, he would probably be more pliant to their wishes. Mr. Jefferson discloses these schemes in a letter to Mr. Madison of the 19th of December. "This state of things," he remarked, "has produced great dismay and gloom on the republican gentlemen here, and exultation in the federalists, who openly declare they will prevent an election, and will name a president of the Senate *pro tem.*, by what they say would only be a stretch of the constitution." He added that as soon as the state of the election was perfectly ascertained, he should aim at a candid understanding with Mr. Adams, and that he did not expect that either his feelings or his views would be opposed to it. A week afterwards he wrote to Mr. Madison, "The federalists appear determined to prevent an election, and to pass a bill giving the government to Mr. Jay, reappointed chief justice, or to Marshall as secretary of state. The French treaty will be violently opposed by the federalists; the giving up the vessels [captured from the French] is the article they cannot swallow.

They have got their judiciary bill forwarded to commitment. I dread this above all the measures meditated, because appointments in the nature of freehold render it difficult to undo what is done." Yet the next Congress did not hesitate to remove the difficulty by repealing the law.

While the public was anxiously looking at the course which Congress would pursue, every scheme was put in requisition which could in any way influence the decision; and among others an attempt to excite jealousy between the two republican candidates. It seems, by what Mr. Jefferson wrote to Colonel Burr on the 1st of February, that a letter had been exhibited in New York, or was said to have been exhibited, from Mr. Jefferson to Judge Breckenridge of Pennsylvania, in which the writer was said to have spoken injuriously of Colonel Burr. He declares it to be utterly false, and that he never wrote but one letter to that gentleman, which is the one before referred to, and of which he sends a copy, that he may see that it is free from such imputation.

Governor M'Kean of Pennsylvania had written to him in December to consult him about the best remedy for the interference of the officers of the federal government in the elections, and in his reply on the 2nd of February, Mr. Jefferson expresses a principle which he afterwards acted on, that "interferences with elections, whether of the state or general government, by officers of the latter, should be deemed causes of removal; because the constitutional remedy by the elective principle becomes nothing, if it may be smothered by the enormous patronage of the general government."

On the 2nd of February, though he considered that a strong party in the House of Representatives would prevent an election if they could, he thought they would not be able to effect it, as there were eight votes certain in his favour, and if any one of six individuals of known moderation, joining the republican party, would give him another vote, he would of course have a majority.

Some days afterwards one of the six alluded to declared that

he would change the vote he had intended to give and make the ninth state for Mr. Jefferson, but on the 7th he altered his mind, and when the ballot came on, on the 11th, there were eight votes for Mr. Jefferson and six for Colonel Burr; and so they continued, without a single change in the number or description of the votes during the thirty-six ballots which were given, and which occupied six days.


The House of Representatives now presented a singular scene—the sole business of the House being confined to the process of balloting, and the result always showing an adherence by every member to his first purpose—some of the members conducting themselves in one way and some another, according to their various characters and tempers. A portion of the republican party, gloomy, suspicious, and resentful; auguring the worst consequences, and preparing their minds for the most desperate results: others, more sanguine, looking forward to a happy termination of the contest, which they laboured to bring about by the arts of blandishment and conciliation. A few quietly and steadily doing their duty, determined neither to frustrate the wishes of the people, by changing their votes, nor to submit to any unconstitutional expedient which a majority of both Houses might venture to resort to. The federal party, conscious of not having the approbation of the people, and probably of not deserving it, exhibited less variety of emotion: they justified themselves with the exercise of a constitutional right, and thought it prudent and decent to conceal their secret satisfaction of vexing and embarrassing their adversaries; a part indulging the vain hope that some of these would finally give way, in favour of the second man of their choice, and all knowing that the power was in their hands of deciding the election in favour of Mr. Jefferson whenever they chose to exercise it.*

While the election was thus kept in suspense, the republican party throughout the Union were filled with sentiments of mingled anxiety and indignation at this open attempt of the federal

*See Appendix (A.)

party to defeat their purpose. Mr. Jefferson had long been the acknowledged head and the declared favourite of the republicans, and Colonel Burr was known throughout the nation only as an active and zealous partizan in New York, and supporter of Mr. Jefferson; on the sole merit of which character he had been selected as vice president. Perhaps there was not an individual in the nation who voted for him with the intention or desire of his being the president. The people therefore from the first were not very tolerant of the utter disregard for their known wishes; but as soon as it was whispered that the federal majority in Congress meditated to take advantage of the non-election, and of their own failure to correct the mischief, by making a selection of some other individual, it was determined that such a contempt of the voice of the people and flagrant usurpation of power should not prevail, but should be put down by force, if force was necessary. It is believed that the governors both of Pennsylvania and Virginia, who were zealous and firm adherents to the republican party, were determined to march a sufficient force to Washington to depose the usurpers, until the people could exercise their sovereign power, by sending delegates to a convention, for the purpose of making amendments to the constitution, suited to the crisis. It was thought by some that the dread of a convention, always pregnant with the danger of mischievous innovation, and threatening some features of the constitution which were most dear to the federalists, more influenced that party to abandon the scheme than the fears of open violence. General Lee, of Virginia, it is said, was earnest in advising this desperate measure; but fortunately better councils prevailed.

On the sixth day of the balloting, the 17th of February, and on the 36th ballot, Mr. Jefferson received ten of the sixteen votes, and thus became president of the United States. The votes which he received were those of New York, New Jersey, Pennsylvania, Virginia, North Carolina, Georgia, Tennessee, and Kentucky, which had always been in his favour, together with those of Vermont and Maryland, which had previously been divided. The four states of New Hampshire, Massachusetts,



Connecticut and Rhode Island, voted for Colonel Burr, and the members from South Carolina and Delaware put in blank ballots.

During this trying scene, Mr. Jefferson's course was marked by firmness, equanimity, and propriety. He says that overtures were frequently made to him by those who wished him to give some assurance of the course of policy he meant to pursue, or as he supposed by some who put themselves in the way of office, but he invariably declared that he would go into office untrammelled or not at all.*

On the 15th of February he wrote to Mr. Monroe: in speaking of the fruitless balloting, "If they could have been permitted to pass a law for putting the government into the hands of an officer, they certainly would have prevented an election. But we thought it best to declare openly and firmly, one and all, that the day such an act passed, the middle states would arm, and that no such usurpation, even for a single day, should be submitted to. This first shook them, and they were completely alarmed at the resource for which we declared, to wit, a convention, to reorganize the government, and to amend it. The very word convention gives them the horrors; as in the present democratical spirit of America, they fear they should lose some of the favourite morsels of the constitution. Many attempts have been made to obtain terms from me. I have declared to them unequivocally, that I would not receive the government on capitulation, that I would not go into it with my hands tied."

On the day after the election he wrote to Mr. Madison, and after informing him of the particulars of the ballot, he says that he considered the course pursued by those federalists who put in blanks as "a declaration of war on the part of this band, but that conduct appeared to have brought over the whole body of federalists, who, being alarmed with the danger of a dissolution of the government, had been made most anxiously to wish the very administration they had opposed, and to view it when obtained as a child of their own."

*See Appendix (C).

We behold Mr. Jefferson now appointed to the highest dignity the laws of his country could bestow, and thus appointed by the free suffrages of the people to direct the destinies of those states which, twenty-five years before he had contributed to make independent. Without doubt at the time he drafted the Declaration which severed the ties between his country and Great Britain, there were many in that illustrious assembly, the first Congress, and out of it, who would have been thought more likely to reach this high honour, if the federal constitution could have been anticipated. Yet he had been gradually rising in the estimation of his countrymen, until he outstripped every competitor for their favour, except two; and although one of them held that place in the hearts of his fellow citizens which it was impossible to supplant, the other, after a temporary ascendancy, had finally to yield to Mr. Jefferson's happier star.

CHAPTER IV.

Party hopes and fears. Foreign relations of the United States. The President's Inaugural Address. Its character. Letter to John Dickinson. Removals from Office. Arguments for and against them. Messenger to France with the Treaty. Offers Thomas Paine a conveyance to America. His Justification. Letter to Dr. Priestley—to Mr. Gerry. His Cabinet. Political changes in New England. Abrogation of Forms. Remonstrance from New Haven. The President's Answer. Its effects on Public Opinion. R. Livingston sent Minister to France. Instructions to him. A Squadron sent to Tripoli. Policy on the Appointment of Ministers. Sketch of Parties. Circular to the Heads of Departments. He communicates with both Houses of Congress through the Speakers. The Message—assailed by the Federalists.

1801.

Mr. Jefferson was now, after an interval of twenty-two years, again to assay the discharge of executive duties, not indeed as before, in a time of war, but on a theatre so much larger and more extended, as to make it an office of far greater difficulty and responsibility. He had however the advantage of longer experience and a wider survey of life both at home and abroad, and he seems to have assumed the reins with a confidence that he would be able to guide them with a safe and steady hand.

Though the election of Mr. Jefferson produced probably equal sensation with both parties, there was not the same degree of manifestation of it by both. The deep mortification and the fears which were undoubtedly felt by the federalists, were exhibited at first in a lowering and silent discontent, whilst their oppo-

nents gave vent to their joy in the loudest demonstrations of triumph and exultation. They saw in the elevation of their favourite, an assurance that the schemes to undermine the constitution, and which they sincerely believed to exist, were discomfited, that the government would be now administered on its true principles, and that these principles, which, by a train of untoward circumstances, had been brought into a temporary discredit, would be soon reinstated in the affections of the people. The federalists, on the other hand, indulged in the most gloomy anticipations. They feared that Mr. Jefferson, in his devotion to France and to French principles, would use all his influence to strengthen her connexion with the United States, by which their peace would be hazarded, their morals polluted, and their religion subverted. That those parts of the national policy which had been most cherished by the federalists, as likely to give consistency and stability to the general government, would be systematically demolished—as the funding system, the bank, and the navy; and that the great mass of those who held office would be removed to make way for their opponents. It remains to be seen how far the fears of one party and the hopes of the other were realized.

The existing relations between the United States and other nations were pacific, though circumstances were even then at work to bring them into collision with the two most powerful nations of Europe, and finally to cause open hostility with one of them. The good understanding with France seemed to be the more firmly established for the recent rupture. That nation felt the higher respect for the United States for the spirit they had exhibited, and in the complacency which the consciousness of this fact on their part inspired, there was no room for any rankling resentment. The terrors which jacobinism had inspired among the federalists were now allayed by the new government, whose first consul soon let the world see that, whatever other political evils France was to experience, that of anarchy was not to be one. The good will of England was not conciliated by our renewed amity with her enemy, and she continued to impress American seamen; but this cause of complaint,

irritating as it was, hardly seemed sufficient to drive the nation into war, by which it was sure to lose the gainful privileges of neutrality. Spain was still disposed to refuse the port of New Orleans as a place of deposit; but confidence was entertained that it would be obtained by negotiation.

On the 4th of March, 1801, the president elect delivered his inaugural address in the Senate chamber. Though couched in the language of humility, and breathing the spirit of benevolence and liberality, it asserts all the cardinal principles of the republican faith, but in such general terms as not to alarm the fears or irritate the prejudices of his opponents. As it presented to the nation the state of his feelings as well as an outline of the spirit in which he proposed to administer the government, and was, moreover, as a composition, the subject of the warmest eulogy of his partisans, and of the carping criticism of his adversaries, it is here given at length:

"Friends and fellow citizens, called upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow citizens which are here assembled, to express my grateful thanks for the favour with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments, which the greatness of the charge, and the weakness of my powers, so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich produce of their industry; engaged in commerce with nations, who feel power and forget right; advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the honour, the happiness, and the hopes of this beloved country, committed to the issue, and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly, indeed, should I despair, did not the presence of many whom I here see, remind me, that in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you then,

gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support, which may enable us to steer with safety the vessel, in which we are all embarked, amidst the conflicting elements of a troubled world.

“During the contest of opinion through which we have passed, the animation of discussions and exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression. Let us then, fellow citizens, unite with one heart and one mind; let us restore to social intercourse that harmony and affection, without which liberty, and even life itself, are but dreary things; and let us reflect, that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance, as despotic as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore—that this should be more felt and feared by some and less by others, and should divide opinions as to measures of safety; but every difference of opinion, is not a difference of principle. We have called by different names, brethren of the same principle. We are all republicans—all federalists.* If there be any among us who would wish to dissolve this union, or to change its republican form, let them


* The expression, “we are all federalists—all republicans,” was regarded by the federalists as an overture of conciliation; but by a few of his

stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not; I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the public order, as his own personal concern. Sometimes it is said that man cannot be trusted with the government of himself—Can he then be trusted with the government of others? Or have we found angels in the form of kings to govern him? Let history answer the question. Let us then, with courage and confidence, pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature, and a wide ocean, from the exterminating havoc of one quarter of the globe; too high minded to endure the degradations of the others; possessing a chosen country, with room enough for descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our own industry, to honour and confidence from our fellow citizens, resulting not from birth, but from our actions, and their sense of them; enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an over-ruling providence, which by all its dis-

own party, as an act of complaisance unmerited by them and unworthy of himself; and though strictly true in the sense in which Mr. Jefferson used it, as to the great body of the people, who, whatever may be their party names are equally attached to republican government, and to the federal union, sounded in their ears very much as would the phrase in England, "we are all whigs—we are all tories."

pensions proves, that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow citizens; a wise and frugal government, which restraining men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labour the bread it has earned. This is the sum of good government; and this is necessary to close the circle of our felicities.

“About to enter, fellow citizens, on the exercise of duties, which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations: equal and exact justice to all men, of whatever state or persuasion, religious or political: peace, commerce, and honest friendship with all nations; entangling alliances with none: the support of the state governments in all their rights, as the most competent administration for our domestic concerns, and the surest bulwarks against antirepublican tendencies: the preservation of the general government in its whole constitutional vigour, as the sheet anchor of our peace at home, and safety abroad: a jealous care of the right of election by the people: a mild and safe corrective of abuses which are lopped by the sword of revolution, where peaceable remedies are unprovided: absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism: a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them: the supremacy of the civil over the military authority: economy in the public expense, that labour may be lightly burthened: the honest payment of our debts, and sacred preservation of the public faith: encouragement of agriculture, and of commerce, as its handmaid: the diffusion of information, and arraignment of all abuses at the bar of public reason: freedom



of religion, freedom of the press, and freedom of the person, under protection of the habeas corpus: and trial by juries impartially selected. These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of all our sages, and blood of our heroes, have been devoted to their attainment: they should be the creed of our political faith; the text of civic instruction; the touchstone by which to try the services of those we trust; and, should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and regain the road which alone lead to peace, liberty, and safety.

"I repair then, fellow citizens, to the post you have assigned me. With experience enough in subordinate offices, to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favour which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own error, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrages is a great consolation to me for the past, and my future solicitude will be to retain the good opinion of those who have bestowed it in advance; to conciliate that of others, by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

"Relying then on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choice it is in your power to make. And may that infinite Power, which rules the destinies

of the universe, lead our councils to what is best, and give them a favourable issue for your peace and prosperity."

The liberal tone of this paper, which was so creditable to Mr. Jefferson's prudence, as well as generosity, and which was so fitted to conciliate the more moderate of the federal party, was not altogether relished by all of his own party. On the contrary, there were a few who, prompted by their own intolerance, affected to see, in the forbearance therein manifested towards the federalists, a disposition to compromise with them at the expense of republican orthodoxy; and to apprehend that he added one more to the many examples of those who, when they had attained power and place, forgot the principles they had professed in attaining it. It was, however, soon seen that the suspicion was unfounded, and it would be difficult to adduce an instance in which a statesman in power more steadily adhered to the principles he had previously professed.

His confession of political faith which was so acceptable to the mass of his friends, more than answered the expectations of the federalists; and not the less so because it created discontent among the more fervid zealots of his own party. These regarded it as holding out a promise of toleration to their opponents in office, which, in refusing gratification to their vindictive feelings, seemed to deprive them of one of the most relished fruits of their success.

On the style it may be remarked, that though it is somewhat ambitious and rhetorical for a state paper, it does no discredit to the pains which had been evidently bestowed on it, and some of the principles it contained were expressed with a sententious and felicitous brevity, which made so lively an impression on the public mind, that they acquired and yet retain the currency of popular maxims.

Two days after the inauguration, he answered a letter received from his venerable compeer John Dickinson, in which he seems to be no less animated by his hopes of the future than by his exultation for the past. With more than ordinary warmth of style he speaks of the joy the other's letter had afforded him, and adds: "The storm through which we have passed has been tremendous indeed. The tough sides of our argosie


have been thoroughly tried. Her strength has stood the waves into which she was steered, with a view to sink her. We shall put her on her republican tack, and she will now show by the beauty of her motion, the skill of her builders."—"A just and solid republican government maintained here, will be a standing monument and example for the aim and imitations of the people of other countries; and I join with you in the hope and belief that they will see from our example that a free government is of all others the most energetic."

An idea had gone abroad that Mr. Jefferson was to make a great change in all the officers of government, founded probably on the wishes of many of his partisans, and the practice in some of the states. In a letter to Mr. Monroe of the 7th of March, he thus speaks of this public impression. "I am in hopes my inaugural address will in some measure set this to rights, as it will present the leading objects to be conciliation and adherence to sound principle. This I know to be impracticable with the leaders of the late faction, whom I abandon as incurables, and will never turn an inch out of my way to reconcile them. But with the main body of the federalists I believe it very practicable." He speaks of the X Y Z despatches, in making converts to the late administration, and of the change which afterwards took place, observing, "It was by their return to us that we gained the victory in November 1800, which we should not have gained in November 1799;" and this number he says was greatly increased by the suspense and alarm felt during the ballottings for president; and that the timid part of them who feared for the constitution, were finally brought to desire the very result they had first opposed, and to receive the election which was made, as an object of their earnest wishes—a child of their own. He considers this class as among the supporters of his administration, "if it avoids in the outset acts which might revolt and throw them off."

On the subject of removals from office he had a delicate duty to perform, in which it was difficult to reconcile conflicting considerations. On the retirement of General Washington most of the public officers appointed by him were cordial supporters of

his measures, because their deep veneration for his character* was added to the ordinary motives which induce subordinate officers to support those under whom they act. With very few exceptions they belonged to the federal party. These few, however, of the republican party were unhesitatingly removed during Mr. Adams' administration, especially in the northern states. Of course, when Mr. Jefferson came to the chair of state, he found every man in office, whether high or low, opposed to him, and actuated by a more bitter and determined opposition for their exertions in the late presidential canvass. They were therefore not likely to give the most efficient support to the administration they had opposed; and so long as the discomfited party continued in the field, they were exposed to the temptation of acting as auxiliaries. The very apprehension or supposed probability of this would create distrust, and prevent that confidence and free intercourse between the higher and lower functionaries of the government which was necessary to an harmonious and efficient action. Public policy seemed then against giving the whole influence of office to the adversaries of the administration and the opponents of the popular will. Nor was it consonant to natural justice that all the offices of emolument and distinction should belong to a party, which constituted a minority of the nation, and whose principles the nation had disavowed. Besides, loud clamours were raised by some of the successful party for the removal of their opponents, both for the sake of punishing political heresy and for rewarding the faithful. Something appeared to be due from the

*The influence of this sentiment, though general among all classes, was peculiarly strong among the officers of the revolution, by most of whom the public offices were then filled. It was in general enough for this class to know General Washington's wishes or opinions to make them their own. Let one example suffice for all. During the violent opposition to Jay's treaty which was every where manifested after it was promulgated by Mr. Mason, a gentleman was conversing on this engrossing topic with General Morgan, then a resident of Frederick county, Virginia, before the president's course was known; and while Morgan agreed on bestowing on the treaty the strongest terms of reprobation, he added, "but if the old horse, (the military *soubriquet* of Washington,) should be for it, I shall be for it too."



chief to the party who had elevated him, even at some sacrifice of his own opinion of expediency to their wishes.

The arguments on the other hand against an indiscriminate, or even general removal were very strong. Offices, in a republican government at least, must be considered as created for the public—not for the individuals who fill them; and one who has already discharged the duties of an office is likely to have more skill and judgment in conducting it than one who is without experience. If too the tenure of office is made to depend on the conduct, rather than the opinions of the holder, the public has a better security for his diligence and fidelity. The gratitude, moreover, which office excites towards those by whose favour it is held, will, from very general causes, be transferred in most instances from those who gave it to those by whose favour it is retained.

It is both natural and allowable for men to be favourably disposed towards those from whom they have received both profit and honour, and with whom they have been in the habit of frequent and familiar intercourse, and who are separated from the rest of the community into a common corps. To turn them out of office then for having supported their benefactors and intimates, is to punish them for obeying natural and even virtuous impulses; and thus there are strong considerations of justice as well as policy against such a civil proscription. And as these considerations are also very obvious to the liberal and reflecting—to all those whose perceptions are not clouded by sentiments of revenge or interest, there will always be many among the friends of the prevalent party who will wish them to prevail, and these added to the whole of the minority will commonly make a majority of the nation in favour of a liberal course, whenever proscription has not acquired the force of habit.

Such were no doubt Mr. Jefferson's views on this embarrassing subject, as appears from his letter to Mr. Monroe already referred to, as well as from his inaugural address, and the course which, on a view of all the circumstances, he prescribed to himself, is stated in a letter to Mr. Giles on the 23d of March.

Having in that letter remarked "that some ought to be re-

moved from office, and that all ought not, all mankind will agree; but where to draw the line perhaps no two will agree," he proceeds to state the principles which had appeared to him proper to be observed on this subject—1. To remove all who had been appointed by Mr. Adams after the election was known. 2. All who had been guilty of misconduct. 3. Not to remove those who merely differed from the republican party, except the attornies and marshals of the federal courts;" and he had previously remarked to Mr. Monroe "I believe with others, that deprivations of office, if made on the ground of political principles alone, would revolt our new converts, and give a body to leaders who stand alone."

In speaking a few days afterwards, in a letter to Joel Barlow, of the state of parties, and the recent political changes, he says, "They (the leaders of the federal party) stand at present almost without followers. The principal of them have retreated into the judiciary, as a strong hold, the tenure of which renders it difficult to dislodge them."

One of the first acts of his administration was to send Mr. Dawson, a member of Congress, as a special messenger to France with the treaty lately concluded with that nation duly ratified. By this gentleman he wrote to Thomas Paine to offer him a conveyance to America in the Maryland sloop of war, which carried Mr. Dawson, in consequence of a wish expressed by him to obtain a passage in that way. Paine had sent four letters* from Paris in the preceding October for publication in America, and addressed to the people in the United States, in which he had sought to recommend himself to the ruling party by censures on the federalists, in his own coarse but clear and forcible way.

His letter to Paine is in the following words:

Washington, March 18, 1801.

Dear Sir,

Your letters of October the 1st, 4th, 6th, and 16th, came

* These letters must not be confounded with those which Paine published at Washington, in the winter of 1802-3, after he returned to the United States.

duly to hand, and the papers which they covered were, according to your permission, published in the newspapers, and in a pamphlet, and under your own name. These papers contain precisely our principles, and I hope they will be generally recognised here. The return of our citizens from the frenzy into which they had been wrought, partly by ill conduct in France, partly by artifices practised on them, is almost entire, and will, I believe, become quite so. But these details, too minute and long for a letter, will be better developed by Mr. Dawson,* the bearer of this, a member of the late Congress, to whom I refer you for them. He goes in the Maryland, a sloop of war, which will wait a few days at Havre to receive his letters, to be written on his arrival at Paris. You expressed a wish to get a passage to this country in a public vessel. Mr. Dawson is charged with orders to the captain of the Maryland to receive and accommodate you with a passage back, if you can be ready to depart at such short warning. Robert R. Livingston is appointed minister plenipotentiary to the republic of France, but will not leave this till we receive the ratification of the convention by Mr. Dawson. I am in hopes you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily laboured, and with as much effect as any man living. That you may long live to continue your useful labours, and to reap their reward in the thankfulness of nations, is my sincere prayer. Accept assurances of my high esteem and affectionate attachment.

TH: JEFFERSON.

To Thomas Paine.

* This appointment of a member of Congress to act the part of a mere messenger, afforded the first ground of party attack. This gentleman was the half brother of Mr. Monroc, and as he had, in early life, been so remarkable for his attention to dress as to have obtained the appellation of "Beau Dawson," and was still studious of his personal appearance, he came in for rather a larger share of the wit and malice of the new opposition than the president. More than one parody on the old ballad of "Nancy Dawson" were written on the occasion, and some of the federal families found some soothing to their mortification in having these songs sung by their children.

This invitation, as soon as it was known, furnished at the time materials of acrimonious censure of Mr. Jefferson; and so distinguished an act of courtesy to one who had been a reviler both of General Washington and of the christian religion, was regarded as conclusive evidence of his approbation of Paine's pamphlets, and his concurrence in their sentiments; yet it seems unfair to infer that he was actuated by any other consideration than that of Paine's services in the revolution, and the support he was yet able to give to the republican cause in America. The same feelings prompted him to seek out Paul Jones in retirement and poverty to give him an office of profit and trust; made him always bear testimony to Mr. Adams's zeal and merit in furthering the revolution; and placed him always among the foremost to invoke the national liberality towards Kosciusko, La Fayette, and all others who had served the cause of the revolution. When we consider, indeed, how many of the American people had been scandalized by Paine's Age of Reason, and scarcely in a less degree by his letter to General Washington, mere prudence would have dictated a different course to Mr. Jefferson on this occasion; and had he been the calculating, interested being he has been depicted by his enemies, shaping all his words and acts to some fixed design, he would have evaded Paine's application. He could have been at no loss for plausible pretexts to do so; and was not insensible or indifferent to the calumny he should thereby provoke. But his high sense of Paine's revolutionary services, yet more than those which he yet seemed likely to render to republican government, prevailed over the obvious suggestions of his interest.

On the 21st of March, he wrote a very complimentary epistle to Dr. Priestley then in Philadelphia. After speaking in no very measured terms of the bigotted and narrow views, both in politics and religion, which had lately prevailed, he adds, "it is with heartfelt satisfaction that, in the first moments of my public action, I can hail you with welcome to our land, tender to you the homage of its respect and esteem, cover you under the protection of those laws which were made for the wise and good like you, and disclaim the legitimacy of that libel on legislation,

which, under the form of a law, was some time placed among them." He thus exultingly speaks of the recent political changes: "As the storm is now subsiding, and the horizon becoming serene, it is pleasant to consider the phenomenon with attention. We can no longer say there is nothing new under the sun. For the whole chapter in the history of man is new. The great extent of our republic is new. Its sparse habitation is new. The mighty wave of public opinion which has rolled over it, is new. But the most pleasing novelty is, its so quietly subsiding over such an extent of surface to its true level again. The order and good sense displayed in this recovery from delusion, and in the momentous crisis which lately arose, really bespeak a strength of character in our nation which augurs well for the duration of our republic: and I am much better satisfied now of its stability than I was before it was tried. I have been above all things solaced by the prospect which opened on us, in the event of a non-election of a president; in which case the federal government would have been in the situation of a clock or watch run down. There was no idea of force, nor any occasion for it. A convention, invited by the republican members of Congress with the virtual president and vice-president, would have been on the ground in eight weeks, would have repaired the constitution where it was defective, and wound it up again. This peaceable and legitimate resource, to which we are in the habit of implicit obedience, superseding all appeal to force, and being always within our reach, shows a precious principle of self-preservation in our composition, till a change of circumstances shall take place, which is not within prospect at any definite period."

The inquiry which Mr. Jefferson had made of Mr. Gerry concerning the recent despatches of the American minister from France, more than a year before, was answered by the latter on the 15th of January and 24th of February. Mr. Jefferson in his reply to these letters, tells Mr. Gerry his history of the mission "had been precisely as he had imagined." From the delay of his answer until the presidential election was over, he appears to have been afraid of giving offence to the federalists, who

were then the ruling party in his state, and Mr. Jefferson adroitly intimates as much. He mentions in this letter the principles which had governed him in making removals from office. "The instances," he remarks, "will be few, and governed by strict rule, not by party passion. The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they may have differed from me in opinion: those who have done ill, however, have nothing to hope; nor shall I fail to do justice, lest it should be ascribed to that difference of opinion. A coalition of sentiments is not for the interest of the printers. They, like the clergy, live by the zeal they can kindle, and the schisms they can create. It is contest of opinion, in politics as well as religion, which makes us take great interest in them, and bestow our money liberally on those who furnish aliment to our appetite. The mild and simple principles of the christian philosophy would produce too much calm, too much regularity of good, to extract from its disciples a support for a numerous priesthood, were they not to sophisticate it, ramify it, split it into hairs, and twist its texts until they cover the divine morality of its author with mysteries, and require a priesthood to explain them. The Quakers seem to have discovered this. They have no priests, therefore no schisms. They judge of the text by the dictates of common sense and common morality. So the printers can never leave us in a state of perfect rest and union of opinion." After discovering great sensibility to the recent censures of the press, he adds in a spirit more congenial with his maxim of the safety with which error of opinion may be tolerated where reason is left free to combat it,—“However, the steady character of our countrymen is a rock to which we may safely moor: and notwithstanding the efforts of the papers to disseminate early discontents, I expect that a just, dispassionate, and steady conduct, will at length rally to a proper system the great body of our country. Unequivocal in principle, reasonable in manner, we shall be able, I hope, to do a great deal of good to the cause of freedom and harmony.”

On the first of April Mr. Jefferson left Washington for Monticello to make the necessary arrangements for his removal to the

seat of government, to which he returned on the 26th. In travelling from Philadelphia to Virginia, it had generally been his practice to go by the way of the Eastern Shore, from whence he passed over to Norfolk, and thence along the south side of the river through Petersburg to Monticello. Nor was he ever induced to pass through Richmond, the seat of government, in his frequent journeys between Monticello and Philadelphia, though that route was almost as near and convenient as the one he took.

In the selection of his cabinet as to the two most important places, those of the department of state and treasury, he made the appointments which the public had confidently anticipated, on account of their fitness and propriety, both on the ground of talents, services, and political principles. Mr. Madison, his confidential friend, one of the framers of the constitution, who had of late years given to that instrument the interpretation which was most favourable to the states, and to popular rights, and who had, by his report on the alien and sedition laws, done more than any man to make a revolution of parties, was appointed secretary of state. Mr. Gallatin, who had shown himself acquainted with the subject of finance, and who had been one of the most efficient debaters in the House of Representatives, was placed at the head of the treasury. In the other appointments regard was had to local and personal considerations. General Dearborn, of Massachusetts, a soldier of the revolution, was secretary of war. Robert Smith, of Maryland, and Levi Lincoln, of Massachusetts, lawyers of high standing with the democratic party in their respective states, were made secretary of the navy and attorney-general.

The change in public sentiment which had brought about the election of Mr. Jefferson, and which had been so manifest in the middle states, was found this summer to extend to New England. In Rhode Island the republican party obtained the ascendancy, and in all the other eastern states they had a great accession of strength. Mr. Jefferson thus speaks on the subject to Gideon Granger, of Connecticut, whom he afterwards appointed post-master-general. "According to natural order, Vermont will

emerge next, because least, after Rhode Island, under the yoke of hierocracy. I have never dreamed that all opposition was to cease. The clergy who have missed their union with the state, the anglomen who have missed their union with England, and the political adventurers who have lost their chance of swindling and plunder in the waste of public money, will never cease to bawl, on the breaking up of their sanctuary. But among the people the schism is healed, and with tender treatment the wound will not reopen. Their quondam leaders have been astounded with the suddenness of the desertion, and their silence and appearance of acquiescence have proceeded not from a thought of joining us, but the uncertainty what ground to take."

On the 14th of May Mr. Jefferson answered the inquiries of Nathaniel Macon, of North Carolina, concerning the course of the new administration. The answer was no doubt highly gratifying to one so sincerely attached to republican simplicity and economy. They stated—"That the presidential levees were to be abolished: the official communications from the president to Congress would be by message, to which no reply would be expected, and not as heretofore by a speech to which both Houses of Congress were to make formal responses: the diplomatic establishment in Europe would be reduced to three ministers: the army would undergo a "chaste reformation:" the navy would be reduced to the legal establishment: agencies in every department would be revised; and the executive would stimulate the House to the utmost in retrenchment.

All these things had furnished fruitful topics of complaint against the preceding administration; and the republican party had looked confidently for reform in these particulars.

One of the first cases of removal from office was that of Goodrich, the collector of New Haven. His predecessor had died a short time before the expiration of Mr. Adams's term, and Goodrich had been immediately appointed to fill his place. The president thought this was a fit occasion to begin by giving to the republican party a share of the public offices, and he accordingly bestowed this on Samuel Bishop, then town clerk, mayor of the city of New Haven, and chief judge of the court

of common pleas, but seventy-seven years of age; which last two offices were in the gift of the legislature, and had been bestowed on him in the preceding May, (1801.) By reason of the advanced age of Bishop, and the popularity of Goodrich, this act of the administration gave great offence to the merchants, who sent a vehement remonstrance to the president on the occasion. The president defended his course with great ability both as to the appointment of Bishop and the removal of Goodrich. "If, he asks, a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few; by resignation none. Can any other mode than that of removal be proposed? This is a painful office. But it is made my duty, and I meet it as such. I proceed in the operation with deliberation and inquiry, that it may injure the best man least, and effect the purposes of justice and public utility with the least private distress; that it may be thrown, as much as possible, on delinquency, on oppression, on intolerancy, on anti-revolutionary adherence to our enemies."

"The remonstrance laments 'that a change in the administration must produce a change in the subordinate officers:' in other words, that it should be deemed necessary for all officers to think with their principal. But on whom does this imputation bear? on those who have excluded from office every shade of opinion which was not theirs? or on those who have been so excluded? I lament sincerely that unessential differences of opinion should ever have been deemed sufficient to interdict half the society from the rights and the blessings of self-government, to proscribe them as unworthy of every trust. It would have been to me a circumstance of great relief, had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompt corrections. I shall correct the procedure; but that done, return with joy to that state of things, when the only questions concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the constitution?"

He was soon afterwards informed by Mr. Lincoln that this

answer to the New Haven merchants had produced a good effect in Massachusetts on the republican party, and no ill effect on their opponents. In Mr. Jefferson's reply he remarks, "That the republicans would consent to a continuation of every thing in federal hands, was not to be expected, because neither just nor politic. On him (the president) then was to devolve the office of an executioner, that of lopping off. I cannot say that it has worked harder than I expected. You know the moderation of our views in this business, and that we all concurred in them. We determined to proceed with deliberation. This produced impatience in the republicans, and a belief we meant to do nothing. Some occasion of public explanation was eagerly desired, when the New Haven remonstrance offered us that occasion. The answer was meant as an explanation to our friends. It has had on them, every where, the most wholesome effect. Appearances of schismatising from us have been entirely done away. I own I expected it would check the current with which the republican federalists were returning to their brethren, the republicans. I extremely lamented this effect. For the moment which should convince me that a healing of the nation into one, is impracticable, would be the last moment of my wishing to remain where I am." "I am satisfied that the heaping abuse on me personally, has been with the design and the hope of provoking me to make a general sweep of all federalists out of office. But as I have carried no passion into this disagreeable duty, I shall suffer none to be excited. The clamour which has been raised will not provoke me to remove one more, nor deter me from removing one less, than if not a word had been said on the subject."

Chancellor Livingston, of New York, was sent as minister to France as soon as intelligence was received of the ratification of the convention. On the eve of his departure, 9th of September, Mr. Jefferson, in addition to the instructions received from the state department, addressed him an inofficial letter on the subject of the principle that free ships should make free goods. While he admitted that the contrary principle was the established practice of nations, he regarded this as far more conve-

nient in practice, and more consonant to the abstract notions of national morality, and to usages in analogous cases. It had therefore been occasionally made the rule of late years in the treaties of all the maritime nations of Europe. He regards the ship on the high seas as within the exclusive jurisdiction of the nation to which it belongs, and as a consequence of this position he denies the reasonableness of the exception for contraband. But this doctrine may admit of question, for it seems as repugnant to the common principles of justice for a neutral to assist one of the belligerents with the means of war, as it is for a belligerent to interrupt the customary traffic of the neutral. The code of ethics would seem to prescribe impartiality to the neutral, and that is inconsistent with his furnishing one of the parties with the means of annoyance. The value of the stake which the belligerent has in preventing contraband is very different from that of the neutral, for one has only the profits of commerce, whilst the other may have its safety and independence at hazard. The great principles of self-preservation will then naturally impel a nation, and seem to justify it, in stopping contraband, and this right supposes the right of search. We may feel less hesitation in admitting this reasoning, because it is not necessary for the defence of the principle that free ships should make free goods, and because those treaties which have adopted this principle, have also recognised the doctrine of contraband. He expressed these opinions that the minister might co-operate to establish the principle, so far as it could be done without involving the nation in war.

In consequence of the hostile intentions of the Bashaw of Tripoli, manifested by his insolent demands, the president despatched in May, a squadron of three frigates and a sloop of war, under the command of Commodore Dale, to the Mediterranean, and at the same time a letter was written to the Bey with professions of amity, and intimations that probably his intentions, so inconsistent with existing treaties, had been misconstrued. The squadron was therefore recommended to his hospitality and good offices.

They arrived off Tripoli in August, and finding that the

Bashaw had declared war against the United States, they blockaded Tripoli, and captured a polacre of 14 guns.

Among the persons who presented themselves to Mr. Jefferson's mind as fit for the office of minister of France, was Mr. Short, his former secretary of legation. His discretion, good sense, and exact business habits strongly recommended him for such an office, and no one more possessed his confidence or stood higher in his regards; but believing that Mr. Short's long absence from the United States formed a solid objection to his appointment, he made his private predilections, as in the case of Paine, he had made considerations of policy, yield to his sense of duty. He thus frankly writes to Mr. Short on the subject by Chancellor Livingston.

"When I returned from France, after an absence of six or seven years, I was astonished at the change which I found had taken place in the United States in that time. No more like the same people, their notions, their habits and manners, the course of their commerce, so totally changed, that I, who stood in those of 1784, found myself not at all qualified to speak of their sentiments, or forward their views in 1790. Very soon, therefore, after entering on the office of secretary of state, I recommended to General Washington to establish as a rule of practice, that no person should be continued on a foreign mission beyond an absence of six, seven, or eight years. He approved it. On the only subsequent missions which took place in my time, the persons appointed were notified that they could not be continued beyond that period. All returned within it except Humphreys. His term was not quite out when General Washington went out of office. The succeeding administration had no rule for any thing, so he continued. Immediately on my coming to the administration, I wrote to him myself, reminded him of the rule I had communicated to him on his departure; that he had been then absent about eleven years, and consequently must return. On this ground solely he was superseded. Under these circumstances, your appointment was impossible after an absence of seventeen years. Under any others, I should

never fail to give to yourself and the world proofs of my friendship for you, and of my confidence in you."

He thus briefly sketches, and, as it is believed, correctly sketches the political aspect of the day: "The state of political opinion continues to return steadily towards republicanism. To judge from the opposition papers, a stranger would suppose that a considerable check to it had been produced by certain removals of public officers. But this is not the case. All offices were in the hands of the federalists. The injustice of having totally excluded republicans was acknowledged by every man. To have removed one half, and to have placed republicans in their stead, would have been rigorously just, when it was known that these composed a very great majority of the nation. Yet such was their moderation in most of the states that they did not desire it. In these, therefore, no removals took place but for malversation. In the middle states the contention had been higher; spirits were more sharpened and less accommodating. It was necessary in these to practice a different treatment, and to make a few changes to tranquillize the injured party. A few have been made, a very few still remain to be made. When this painful operation shall be over, I see nothing else ahead of us which can give uneasiness to any of our citizens, or retard that consolidation of sentiment so essential to our happiness and strength."

Referring to the rapid growth of the country, as indicated by the recent census, he says, "If we can delay but for a few years the necessity of vindicating the laws of nature on the ocean, we shall be the more sure of doing it with effect. The day is within my time as well as yours, when we may say by what laws other nations shall treat us on the sea. And we will say it. In the mean time we wish to let every treaty we have drop off without renewal."

The methodical habits of business to which Mr. Jefferson had always been familiar, he sought to introduce into his cabinet, and in all the departments of the administration. On the 6th of November he addressed a circular to the heads of the departments, on the subject of their modes of communication with the

president, and of transacting official business. He details the practice "pursued by General Washington by which he saw every thing, to whatever department it was addressed; he formed a central point for the different branches; preserved a unity of object and action among them; exercised that participation in the gestion of affairs which his office made incumbent on him; and met himself the due responsibility for whatever was done"—and he recommended it to their adoption.

Congress having assembled on the first Monday in December, on the following day Mr. Jefferson, in pursuance of his predetermined purpose, addressed the following letter to the speaker, instead of a speech, as had been the previous practice.

"Sir: The circumstances under which we find ourselves at this place rendering inconvenient the mode heretofore practised, of making by personal address the first communications between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this I have had principal regard to the convenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded on these motives will meet their approbation, I beg leave through you, sir, to communicate the inclosed message, with the documents accompanying it, to the honourable the Senate, and pray you to accept for yourself and them the homage of my high respect and consideration." The reason, however, which weighed with him probably more than any other, was that a speech savoured of the forms of royalty, was passed over in silence. But he well knew that this motive would be fully understood and properly appreciated by those whose favour and approbation he was most desirous of obtaining.

In this message he notices the recent peace in Europe in terms of congratulation, and expresses the hope that the wrongs which neutral nations had suffered during the war would now be repaired. He mentions the pacific temper of the Indians, their progress in the useful arts, and their consequent increase

in numbers. The recent hostilities with Tripoli, and the efficient measures we had taken to defend our commerce in the Mediterranean were stated, and further measures as to this and the other Barbary powers were recommended.

Passing then to matters of internal policy, he mentions the late census, which indicates a duplication of numbers in little more than twenty-two years—an increase of revenue far greater than that of population; and that although it would probably be effected by our foreign relations, yet he thought we might dispense with all the internal taxes, excise, and the postage on newspapers.

He suggests, however, that this diminution of burthens must be accompanied by a diminution of expense: he recommends a reduction of the civil list, the army and navy, and says he has already begun the reduction when he had the powers of multiplying barriers against public waste, “by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money, where the examinations may be prompt, efficacious, and uniform.”

An attention to the militia, as our main reliance for defence, is earnestly pressed. As to the navy, while he admits that a small force will probably be needed for the Mediterranean service, he thinks the other expenditure had better be in providing such articles as may be kept without waste, until any public exigency required them. Fortifications and navy yards are mentioned in a way to lessen the amount ordinarily expended on them, rather than to keep it up. After stating that “Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving when left most free to individual enterprise,” he admits that “protection from casual embarrassment, however, may sometimes be seasonably interposed.” He calls the attention of Congress to the judiciary system, and especially that portion of it recently erected, and

promises to furnish them with statements of the business previously depending in the courts, that they may judge of the proportion between the courts and the duties assigned to them. The importance of jury trial and their impartial selection is also recommended to their notice. He concludes with recommending a revision of the laws of naturalization, and suggests that a residence of fourteen years, as was then one of the requisites, was too long. "And shall we refuse," he asks, "to the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe?"

This message, as was to be expected, was vehemently assailed by the federal party. The points deemed most exceptionable, or at least most vulnerable to attack, were the reduction of the revenue, the army, and navy, the revision of the judicial system, and the proposed facility to naturalization; all of which they attributed either to false or visionary notions of government, or to an unprincipled sacrifice of the best interests of the nation to popular prejudices. The very mode of communication, which has since received the sanction of general usage, and which is in accordance with the universal practice in the states, did not escape censure, but was arraigned as proceeding from an overweening desire of popularity, and a covert design to cast an invidious shade on the character of General Washington and Mr. Adams.

All these measures were the more unacceptable, because if they had a fortunate issue, they would be at once a practical rebuke on their own course when in power, and a triumphant vindication of that of the republicans. The best talents of the party were therefore put in requisition to bring them into discredit with the people, and to show that so far as they were able to reduce the taxes and yet make good the public engagements, they were indebted to the schemes of finance introduced by their predecessors, and which they had invariably opposed. The general expressions of philanthropy which occasionally found a place in the message, were sneered at as an offering to a spurious philosophy then in vogue; and disaster and ruin were

confidently predicted to the nation for committing the reins to those who had neither the skill nor firmness to guide them. Among these attacks, one of the most distinguished both for talent and bitterness, was a pamphlet attributed to Alexander Hamilton, which after bestowing the harshest strictures on every part of the message, and a warm panegyric on the policy of the preceding administrations, interspersed with sarcasms on the personal character of the president, concludes in the following strain of scornful obloquy: "Consummate in the paltry science of courting and winning popular favour, they falsely infer that they have the capacity to govern, and they will be the last to discover their error. But let them be assured that the people will not long continue the dupes of their pernicious sorceries. Already the cause of truth has derived this advantage from the crude essays of their chief, that the film has been removed from many an eye. The credit of great abilities was allowed him by a considerable portion of those who disapproved his principles, but the short space of nine months has been amply sufficient to dispel that illusion; and even some of his most partial votaries begin to suspect, that they have been mistaken in the object of their idolatry."

Mr. Jefferson had however the consolation of knowing that his course, so obnoxious to his adversaries, was approved by his friends, who constituted a great majority of the American people; and, confident it was adapted to the solid interests of the nation as well as suited to its ruling tastes, he trusted to time to justify him in the eyes of the fairer portion even of his opponents. In this expectation he was not disappointed.

CHAPTER V.

Proposed reforms of the Administration Party. Recent Judiciary Law—views of parties as to its repeal. Internal Taxes. The Public Debts—mistaken views of both parties concerning it. The President's Financial Views. Convention with England. Cession of Louisiana to France. Lively interest excited by it in the United States. Mr. Jefferson's instructions to Mr. Livingston. Views of the effect of the Cession at Louisiana. Callender's Libels. Piers in the Delaware. Forbearance towards his opponents. The right of deposit at New Orleans interdicted by Spain. Meeting of Congress. Annual Message. Dry Docks. Resolution on the conduct of Spain. Mr. Monroe's mission to France—motives for the appointment.

1801—1802.

IN this Congress, by reason of the recent favourable changes in some of the states, the republican party had a small majority in both Houses. They therefore determined to carry their plans of reform and economy into execution, whilst their adversaries prepared to resist their schemes to the utmost, by every means which wit, logic, or legislative tactics could effect. The two great objects of party contest, were the repeal of the internal taxes, and of the law which created a new set of federal courts at the preceding session.

The circumstances under which this alteration in the judicial system was made had given great offence to the republican party, and had furnished them with a copious theme of reproach against their adversaries. It was insisted that the system, as

previously organized, was fully competent to the performance of all the business brought before them, limited as was the jurisdiction of the federal courts to the cases specified by the constitution, and that one class of the suits there litigated, that of British debts, which had hitherto furnished the principal part of their business, was every day growing less. The creation then of twenty-four new courts, when the business in those already established was declining rather than decreasing, was regarded as merely making provision for that number of federal partizans at the public expense. It was further said that even if the public interest had called for this addition to the number of federal judges, it would have been but an act of decent respect for the majority of the community, to allow the president elect to appoint the judges, especially as all those previously appointed belonged to the federal party. But the injustice was aggravated by the utter disregard of the feelings and wishes of the majority, and the earnest, and even indecorous impatience manifested to exercise power to the last moment, for the benefit of a party too, on which the people had passed a sentence of condemnation. This law having received the president's signature on the 13th of February, there was of course less than three weeks for the appointments to be made and to pass the senate, and to effect their purpose in so short a time it is said that the signing of some of the commissions of the judges was not completed until the last hour of the last day of Mr. Adams's administration. It was in allusion to this fact that they were often then called in derision, "the midnight judges."

This law and these appointments then was so generally regarded by the republican party as a gross abuse of power, and under the forms of laws, as a fraud on the rights of the majority, that they were well inclined to annul the act, by a repeal of the law, if it could be done consistently with the constitution, one of the provisions of which seemed at first view to forbid it. Legal acumen was therefore put in requisition to interpret that instrument so as to surmount the difficulty, and according to the ordinary effect of such mental process, it was finally successful.

The federal party, on the other hand, congratulated themselves on this state of policy, and felt secure of the issue. As things were they had the whole corps of the judiciary of their party, and this number of corps greatly increased, and diffused throughout the Union; and what was a minor concern to the party, secured places of distinction and emolument to partizans. These circumstances favoured the continuance of the law. If, however, the triumphant party should attempt to repeal it, they believed it would afford them abundant materials to bring their adversaries into discredit with the people, who would thus have their eyes opened, and see that those who had been advocates for a strict interpretation of the constitution, could be ultra latitudinarian in construing it when it suited their purpose: and that with all their pretended fears of the designs of the federalists and their noisy clamours for the interests of the people, they had only the acquisition of power and office in view. So confident were the federalists of the advantage they would have over their adversaries in this argument, that they actually wished the latter would carry their purpose into execution. They, at all events, hoped they would attempt it, as whether they succeeded or failed, it would furnish them with the same fruitful theme of party reproach, and of making eloquent appeals in behalf of the violated constitution.

It appears by a letter which Mr. Jefferson wrote to his venerable friend John Dickinson on the 19th of December, that he did not then look forward to the repeal of the judiciary law. "My great anxiety," he says, "is at present to avail ourselves of an ascendancy to establish good principles and good practices; to fortify republicanism behind as many barriers as possible, that the outworks may give time to rally and save the citadel, should that be again in danger. On *their* part they have retired with the judiciary as a strong hold. There the remains of federalism are to be preserved and fed from the treasury, and from that battery all the works of republicanism are to be beaten down and erased. By a fraudulent use of the constitution, which has made judges irremoveable, they have multiplied useless judges merely to strengthen their phalanx."

It was, however, finally decided by the majority to attempt its repeal, and after a warm and protracted debate of sixteen days it was effected by a vote in the House of Representatives of 59 to 32. In the Senate where parties were more nearly balanced, the repeal had been carried by a single vote.

The other principal acts of this session were the repeal of the internal taxes of every kind: the reduction of the military establishment: and a law for the final extinguishment of the debt, and an alteration in the laws of naturalization so as to reduce the previous residence of a foreigner from fourteen years to five.

On the repeal of the taxes Mr. Jefferson thus speaks in his letter to Mr. Dickinson: "You will, perhaps, have been alarmed, as some have been, at the proposition to abolish the whole of the internal taxes. But it is perfectly safe. They are under a million of dollars, and we can economize the government two or three millions a year. The impost alone gives us ten or eleven millions annually, increasing at a compound ratio of six and two-thirds per cent. per annum, and consequently doubling in ten years. But leaving that increase for contingencies, the present amount will support the government, pay the interest of the public debt, and discharge the principal in fifteen years. If the increase proceeds, and no contingencies demand it, it will pay off the principal in a shorter time. Exactly one half of the public debt, to wit, thirty-seven millions of dollars, is owned in the United States. That capital will then be set afloat, to be employed in rescuing our commerce from the hands of foreigners, or in agriculture, canals, bridges, or other useful enterprises. By suppressing at once the whole internal taxes, we abolish three-fourths of the offices now existing, and spread over the land." It seems scarcely to be doubted that if he had been as ambitious of power or as insincere in his professions of economy as his enemies represented him, he would have sought to continue these taxes, and consequently his means of rewarding friends and adherents, for which he could have been at no loss for plausible pretexts; and that by the weight of his popularity, and the intrinsic recommendations of the offices themselves, he

would have been supported in it by a majority of the nation. He shewed himself, however, throughout his administration, as opposed to executive patronage, in his own case, as when the power was to be wielded by another.

The course taken by the majority of the legislature in the repeal of the judiciary act, did not receive the unanimous support of the republican party. To those who regarded the independence of the judges as a cardinal principle in free governments, the repeal appeared to be contrary to the spirit and meaning of the constitution; as if the judges could be deprived of their office by the abolition of their courts, the provision in the constitution by which they were to hold it "during good behaviour," was rendered nugatory, and the judiciary were virtually rendered dependent on the legislature. Nor were there wanting moderate men in the republican ranks who believed the repeal of this law to be as clear an infraction of the constitution as the sedition law had been. The number of these was, however, too small to produce effect, and their disapprobation, together with the louder voice of the opposition, were drowned in the popular huzzas which were every where heard for the new administration.

One of the favourite political objects of Mr. Jefferson, in common with the whole republican party, was the discharge of the public debt. He believed that in creating a class of men of influence who were interested in supporting the measures of government, more mischief was likely to be done in aiding it to enlarge its powers, than good in assisting to preserve the Union, which he believed could be maintained by no means so effectually as by a mild, economical, and beneficent course of policy. He always supposed that it was the purpose of Alexander Hamilton not to pay off the debt, or even to lessen it, but rather to increase it; and that with this view, he had rendered it so complicated as to make its real state unintelligible to the nation. In truth the leading politicians of both parties had not yet sufficiently learnt to disengage themselves from European notions in policy and government, but unconsciously adopted principles and maxims from that quarter, and especially from

England, which were inapplicable to the peculiar circumstances of the United States; and some of which time had shown to be erroneous every where. Both Mr. Jefferson and Mr. Hamilton seemed to have been thus led into a course of false reasoning on this subject. The former, convinced of the ruinous consequences of a large public debt, from the speculations of all best English political writers, and of its tendency to increase after a beginning was once made, deprecated the creation of a national debt here as fraught with the same mischiefs as it produced, and the same dangers it threatened in England. Influenced by these views, the effect of our rapid increase in numbers and wealth, in gradually lightening the public burdens was not sufficiently regarded. If we compare the debt of the United States in the beginning of General Washington's administration with that of England, we find that here the proportion of debt was but twenty dollars to each individual, and of annual interest but one dollar: whereas, in England the proportion of the debt was more than two hundred dollars to each person, and of interest, eight dollars; and moderate as was this comparative burthen, it must, in the nature of things, continually diminish. In Mr. Jefferson's administration the proportion of debt to each individual had already declined to ten dollars. In the year 1830, it was reduced to less than four dollars, and the annual interest to about sixteen cents; though in the intervening time, it had been more than doubled by the purchase of Louisiana and Florida, and the war of 1813. Nor were those calculations of the future better founded, which regarded the public debt as an important cement of the Union; because the proportion of the fundholders always bore an insignificant proportion to the whole number of voters, and that proportion was constantly growing less, even had the debt remained stationary. The support to the government from this class of men was equally overrated by both parties; and therefore it was that as a party, the republicans viewed the funding system with unwarranted fear and apprehension, and the others, the federalists, with extravagant favour and approbation.

Entertaining such views, Mr. Jefferson patriotically lost no

time in adopting measures which would, in a given term, and that not a long one, extinguish the debt; and of simplifying the whole system of finance. With this view, Mr. Gallatin, the secretary of the treasury, in the first year of the administration, had set about providing an adequate sinking fund, by which the debt would be discharged in about fifteen years, and the operation of which every one was able to understand and appreciate. On the 1st of April, 1801, Mr. Jefferson addressed a letter to him on this subject, in which, after approving the secretary's plan of having one aggregate fund from which every thing was to be paid, he further suggests that all the money in the treasury should form a consolidated mass, from which the whole expenditure should be paid, and should have preference in the following order—1. The interest of the public debt. 2. Such parts of the principal as the creditors had a right to demand. 3. The expenses of the government. 4. Such parts of the debt as the government had the right of paying. To this he proposes that degree of clearness and simplicity in the accounts that every intelligent man in the Union could readily understand them, and detect abuses. "Our predecessors," he remarks, "have endeavoured, by intricacies of system, and shuffling over the investigation from one officer to another, to cover every thing from detection. I hope we shall go in the contrary direction, and that by our honest and judicious reformatations, we may be able, within the limits of our time, to bring things back to that simple and intelligible system on which they should have been organized at first." He further proposed a reduction in the officers of the treasury to a keeper of the money, a keeper of accounts, and the head of the department; but this reform, it would seem, was not found advisable, as it was never tried.

On the general pacification of Europe in 1801, it appeared that Spain had ceded Louisiana to France, in pursuance of a wish which had been long entertained by the French government, and as had been several years before predicted. As soon as the fact was certainly known in the United States, which was in the spring of 1802, it filled the whole United States with

anxiety and apprehension. The possession of the port of New Orleans had been long known to have a most important bearing on the connexion between the Atlantic and the western states. The Mississippi afforded the only outlet for the great and rapidly increasing amount of products of the west which sought a foreign market, and they could not avail themselves of it without a place of deposit, such as New Orleans, where those products could be reshipped in sea vessels. If, then, this port was in the hands of a foreign power, it could always be used either in the way of a bribe or a threat to operate on the people of the west to detach them from the other states. And though their attachment to the Union should prove strong enough to resist such influences, it would be only on condition of asserting their rights and supporting such vital interests by force, if it was necessary, and thus involving the nation in war. If this evil was felt to be sufficiently great when Spain owned Louisiana, how much would it be enhanced when her rights were transferred to a nation so powerful, enterprising, and ambitious as the French republic, and which had been for some time alienated from the United States. Supposing too this danger removed, and the right of deposit secured, the United States could not see with indifference so formidable a power as France planting a colony along her borders, by which they would be hemmed in, and flanked on the north and the south by the two most potent nations on the globe. In this position causes of collision would be likely to occur, and pretexts would never be wanting, when the neighbouring states presented such a prize to tempt the ambition of France. The alarm was the greater from the recollection of the many European nations which had been recently either won by the arts, or subdued by the arms of the French republic. So lively and general were these apprehensions, that it is believed the American people would have been willing to incur the certain evils of war at once, rather than have risked the dangers they apprehended. They were fortunately relieved from this alternative by a lucky occasion, dexterously improved by Mr. Jefferson and his cabinet.

Having learnt of the cession of Louisiana, he, on the 18th of

April, 1802, addressed a long letter to Mr. Livingston in Paris on the subject, in which he unfolds, with great clearness and force, the new attitude in which the transfer of that country would place the United States and France towards each other. He says, "it completely reverses all the relations of the United States." That hitherto they "regarded France as their 'natural friend.'" That there "was one single spot on the globe, the possessor of which is our natural and habitual enemy;" which spot was New Orleans, "through which the produce of three-eighths of our territory must pass to market, and ere long yield more than half of our whole produce." That this could not be possessed by France with the same prospect of quiet as by Spain, who was both feeble and pacific, and who might ere long find it convenient to exchange it for something of more value. "But as to France, the impetuosity of her temper, the energy and restlessness of her character, placed in a point of eternal friction with us—and our character, which, though quiet, and loving peace and the pursuit of wealth, is high-minded; despising wealth in competition with insult or injury; enterprising and energetic as any nation on the earth"—these circumstances rendered it impossible that France and the United States could long continue friends, when they meet in so irritable a position. That from the moment France took "possession of New Orleans, we must ally ourselves with Great Britain, and turn our attention to a maritime force, for which we have such ample resources; the certain consequence of which would be the destruction of any settlement she may have made on any part of this continent, on the first breaking out of war in Europe, and the loss of New Orleans." That this measure was deprecated not from fear of France, but "from the wish to preserve peace, and our present friendly relations with her." He asks whether for "such a short-lived possession of New Orleans France will transfer such a weight into the scale of the enemy?" He however adds, that "if she considers Louisiana as indispensable to her interests, she may still cede the island of New Orleans and the Floridas." That this cession would "in a great degree remove the causes of irritation, and at any time prevent the ne-

cessity of resorting to arrangements with Great Britain;" but that even then, "we should consider New Orleans and the Floridas as no equivalent for the risk of a quarrel with France, produced by her vicinage." He correctly remarks in conclusion, that "Every eye in the United States is now fixed on the affairs of Louisiana. Perhaps nothing since the revolutionary war, has produced more uneasy sensations through the body of the nation, and in spite of our temporary bickerings with France, she 'still had a strong hold on our affections.' "

These views were fortunately favoured by the course of events which was then passing in Europe.

Among the minor vexations which Mr. Jefferson experienced in the early part of his administration, was that which was caused by the ingratitude and calumnies of a mercenary writer, James T. Callender. He was a native of Scotland, possessed of a good genius, improved by education, and had sought an asylum in this country either from poverty or prosecution. He soon found employment in Philadelphia, as a political writer, on the side of the republican party; and having attracted attention by the coarse vigour of his style, Mr. Jefferson among others of his party, learning of Callender's indigence, made him donations of small sums of money, from time to time. Thus encouraged, he had redoubled his efforts during the hottest of the conflict, and had even brought out a volume or two in which he assailed the members of the administration and federal party, personally and politically, with all his powers of argument and vituperation. He often wrote with great force, but his charges were in such a style of exaggeration, and expressed in a strain of ribaldry and vulgarity so unusual, that he was likely to injure the cause he espoused yet more than to serve it. When, however, Mr. Jefferson was elected, he seemed to consider that his labours had contributed to that result, and he boldly applied to him for the office of postmaster at Richmond as his reward. 'This office was worth about 1500 dollars a year, and was then held by the editor of a newspaper and a federalist; of course, it came within the rule that had been furnished for removals. As he had no sort of claim to this, or indeed to any office, his services having

already received the only remuneration ever thought of, he was of course refused; but the refusal was accompanied with a further gratuity of fifty dollars. It should be farther mentioned that Mr. Jefferson as soon as he became president, exercised his powers of pardon in favour of Callender, as well as all others who had been convicted under the sedition law, and were then undergoing sentence of imprisonment. He took great offence at the refusal, and in no long time was found writing in opposition to the new administration; and he openly justified his desertion, on the ground of the ill treatment he had received from Mr. Jefferson. He was of course welcomed by his new allies, and having connected himself with the editor of an obscure journal, recently established in Richmond, (the Recorder,) he poured forth against the republican party generally, and Mr. Jefferson in particular, a torrent of scurrility and slander, of which no example had been previously afforded in the United States, not even by himself. The private life of Mr. Jefferson, present and past, was the subject of the closest scrutiny, and wherever he was believed to be vulnerable, no matter for what cause, or upon what evidence, he was unhesitatingly assailed in the grossest and most offensive way. Such too are the debasing effects of party malignity, that there were not wanting those of the federal party who were panders to this writer's vindictive calumnies, and communicated every piece of scandal or gossip, no matter how unfit for the public eye, how unsupported by evidence, or improbable in itself, which was thought at all likely to lower the chief magistrate in the eyes of the nation. The paper which was the vehicle of these slanders, and which previously circulated scarcely out of Richmond, now found its way to the remotest parts of the Union. It remains to be added that while this wretched libeller, who had now become an habitual sot, was disseminating his slanders and ribaldry with untiring virulence, he was one morning found drowned in James River, where he had been bathing, it was supposed, in a state of intoxication.

That Mr. Jefferson was annoyed by the libels sufficiently appears by a long letter which he wrote to Mr. Monroe, then living

in Richmond, on the 15th of July, 1802, in which he gives a detail of his first acquaintance with Callender, and of all the dealings or communications he ever had with him.*

In consequence of a disagreement between the commissioners of Great Britain and the United States about the interpretation of the 6th article of the treaty of 1794, and the consequent dissolution of the board, a further negotiation took place on the subject, and Mr. King, the American minister at London, was instructed to agree to the proposition made by the British government, to pay a specific sum, in lieu of all such claims under that article of the treaty as could not be recovered by law against American citizens. He accordingly signed a convention, by which 600,000 pounds sterling was agreed to be paid in three annual instalments.

The course now pursued by the French government towards this country plainly showed that they no longer regarded it with any favour, and Mr. Jefferson in his letter to the American minister in Paris, dated October 10th, 1802, adverting to this fact, says that we should take no part between her and her rival, but that we wished to remain well with France. He adds, however, our conviction "that no consequences however ruinous to them, can secure us with certainty against the extravagance of her present rulers:" but while we should "do nothing which the first nation on earth would deem crouching, we had better give to all our communications to them a very mild, complaisant, and even friendly complexion, but always independent." Callender's slanders were so full upon his mind at this time, that he even mentions the subject to Mr. Livingston. "You will have seen," he says, "by our newspapers, that with the aid of a lying renegado from republicanism, the federalists have opened all their sluices of calumny. They say we lied them out of power, and openly avow they will do the same by us. But it was not lies or arguments on our part which dethroned them, but their own foolish acts, alien laws, taxes, extravagances and heresies."

* III. Jeff. Corr., p. 495.

It seems from a letter addressed by Mr. Jefferson to Mr. Galatin about this time, October 13th, that he regarded the act of Congress for building piers in the Delaware as unconstitutional, so far as its object was to benefit navigation, and it was derived from the power to regulate commerce. He thought, however, that the act might be brought within the constitution, under the power to provide and maintain a navy, which gives a power to provide "receptacles for it, and places to cover and protect it." He considered that the building of light-houses was also liable to the first objection; but that the utility of the thing had sanctioned the infraction. Notwithstanding the provocation he was daily receiving from the federal presses, they seemed to have had no effect in turning him from his prescribed course of administering the government. The following sentiments and views in a letter to Mr. Lincoln, the attorney-general, were as liberal as wise. Having noticed the favourable changes of public opinion, as indicated by the recent elections, he says, "The opinion I originally formed has never been changed, that such of the body of the people as thought themselves federalists, would find that they were republicans, and would come over to us by degrees; but that their leaders had gone too far to change." After mentioning the increasing bitterness of this portion of them, he adds in a tone of elevation which cannot be too much commended, "I shall take no other revenge than by a steady pursuit of economy and peace, and by the establishment of republican principles in substance and form, to sink federalism into an abyss from which there shall be no resurrection of it. I still think our original idea as to office is best: that is, to depend for the obtaining a just participation on deaths, resignations, and delinquencies. This will least affect the tranquillity of the people, and prevent their giving into the suggestion of our enemies, that ours has been a contest for office, not for principle. This is rather a slow operation, but it is sure, if we pursue it steadily, which, however, has not been done with the undeviating resolution I could have wished. To these means of obtaining a just share in the transaction of the public business, shall be added one other, to wit, removal for

electioneering activity, or open and industrious opposition to the principles of the present government, legislative and executive. Every officer of the government may vote at elections according to his conscience; but we should betray the cause committed to our care, were we to permit the influence of official patronage to be used to overthrow that cause."

The motives which had operated with the executive for endeavouring to obtain the cession of New Orleans received a further impulse at this time, from the course pursued by the Spanish authorities in that town. On the 16th of October, Morales, the Spanish intendant of the province of Louisiana, issued a proclamation, in which he declared that the privilege formerly granted to the Americans under the treaty of 1795 for three years, and which had since been tolerated, of depositing their merchandise in New Orleans, was thenceforth interdicted. This measure produced great excitement throughout the west. On the 30th of November, the Governor of Kentucky transmitted information of these facts to the President of the United States, remarking that the citizens of that state were "very much alarmed and agitated; as this measure of the Spanish government would, if persisted in, at one blow cut up their present and future prosperity by the roots." On the 1st of December the legislature of Kentucky prepared a memorial to Congress stating this infraction of the treaty of San Lorenzo el Real, inasmuch as the intendant had not, according to that treaty, assigned to the United States "an equivalent on another part of the bank of the Mississippi." These interesting communications were, however, not received in time to be mentioned by the president in his opening message, which was sent to the House of Representatives on the 8th of December, and to the Senate on the 15th—several days having elapsed before that body had a quorum.

In this his second annual message, he mentions the continued pacific relations of the United States with the nations of Europe and the Indian tribes. He states that the late peace in Europe had diminished our carrying trade, and that the commercial regulations of some countries affected our commerce still more;

and retaliatory measures were suggested, if negotiation should prove ineffectual. He mentions an act of the British parliament which proposed a mutual abolition of discriminating duties, and which he recommends to Congress to meet in the same spirit. He briefly notices the cession of Louisiana to France, with the remark that "if carried into effect," it would "make an important change in our foreign relations." He informs Congress that a further naval force had been sent to the Mediterranean, lest the other Barbary states should take sides with Tripoli. He notices some treaties with Indian tribes since the ratification of the convention with Georgia; gives a favourable view of the public finances; the impost having been much more productive than in any former year—by means of which eight millions had been paid on account of the public debt, as well as one million on account of bank stock; besides leaving four millions and a half in the treasury. He thus encourages them to proceed in the course of economy they had begun: "When effects so salutary result from the plans you have already sanctioned; when, merely by avoiding false objects of expense, we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments towards the discharge of our public debt, and the emancipation of our posterity from that mortal canker, it is an encouragement, fellow-citizens, of the highest order, to proceed as we have begun, in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practised by others, under different circumstances." He recommends a system of docks for preserving the public ships dry and sheltered from the sun. He concludes by a summary of their joint duties, among which he enumerates those of fostering the fisheries as nurseries of navigation, and the protection "of the manufactures adopted to our circumstances."

This message did not escape the animadversion of his adversaries, notwithstanding its moderation, and the favourable picture it presented of the national prosperity. They assailed the scheme of laying up the navy in dry docks in every form of ridicule and argument, and they so far prevailed, that it seemed to

be thought by the public, and even conceded by the silence of his friends, that the scheme was impracticable. Yet the subsequent adoption of what is substantially the same plan, in all the principal navy yards, is now considered one of the greatest improvements in the management of our naval affairs, and has amply vindicated the wisdom of the recommendation. The federal party also took offence at the remarks made in the message on the prosperous state of the public finances, which were considered as a censure on the preceding administrations, to whom, they said, the merit was alone due, of providing that revenue which was now rapidly discharging the debt. But they overlooked the fact that it would have been inadequate to that object but for the reduction of the public expenditure, and to this measure the present administration were entitled to the exclusive praise. The minds of all were, however, soon engrossed by the closing of the port of New Orleans to American merchandise.

On the 17th of December the House of Representatives called on the president for information on the subject of the supposed violation on the part of Spain of the 22nd article of the treaty of 1795. And the fact above stated having been communicated to the House on the 5th of January, Mr. Griswold, of Connecticut, moved that the president lay before the House such official documents possessed by him as announced the cession of Louisiana to France, together with a report explaining the stipulations, circumstances and conditions under which that province was to be delivered up, with the usual reservation as to what the president should think it improper to communicate.

This resolution, being deemed by the republican party likely to embarrass the pending negotiation, and probably was so intended by its supporters, was opposed, and finally rejected. Mr. Griswold at the time offered other resolutions asserting the right of the people of the United States to the navigation of the Mississippi, its recent obstruction by Spain, and proposing an inquiry into the measures proper to be taken for the maintenance of the right. The majority refused to consider the resolutions, but afterwards agreed with closed doors to the following

substitute. “*Resolved*, That this House receive with great sensibility the information of a disposition in certain officers of the Spanish government at New Orleans, to obstruct the navigation of the river Mississippi, as secured to the United States by the most solemn stipulations.”

“That adhering to that humane and wise policy which ought ever to characterize a free people, and by which the United States have always professed to be governed; willing at the same time to ascribe this breach of compact to the unauthorized misconduct of certain individuals, rather than to want of good faith on the part of his Catholic majesty; and relying with perfect confidence on the vigilance and wisdom of the executive, they will wait the issue of such measures as that department of the government shall have pursued for asserting the rights and vindicating the injuries of the United States; holding it to be their duty, at the same time, to express their unalterable determination to maintain the boundaries and the rights of navigation and commerce through the River Mississippi, as established by existing treaties.”

Mr. Jefferson seemed to think that it was the object of the federal party in Congress to force the country into a war with Spain, “in order to derange our finances,” and if that could not be done, “to attach the western country to them, as their best friends, and thus get again into power.” With a view of carrying his pacific policy into effect he, on the 10th of January, appointed Mr. Monroe minister plenipotentiary to France to act with Mr. Livingston, in the purchase of New Orleans and the Floridas, partly, because, as he said, the measures previously pursued by the administration, being invisible, did not satisfy the minds of the western people, then greatly excited, and consequently something sensible had become necessary; and partly, because the meditated purchase was liable to assume so many shapes that no instructions could be squared to fit them.” He strongly urges on Mr. Monroe the acceptance of the appointment, “for,” he says, “on the event of this mission depend the future destinies of this republic. If we cannot by a purchase of the country insure to ourselves a course of perpetual peace

and friendship with all nations, then as war cannot be distant, it behoves us immediately to be preparing for that course, without however hastening it; and it may be necessary (in your failure on the continent) to cross the channel. We shall get entangled in European politics, and figuring more, be much less happy and prosperous. This can only be prevented by a successful issue to your present mission."

He at the same time takes occasion to tell Mr. Monroe that, according to the system of economy the administration had prescribed to themselves, no outfit could be given him; it being allowed only to ministers resident, nor a frigate to carry him out. This piece of economy, it may be observed, has not been imitated, and considering the confessed inadequacy of the salaries to some of the foreign ministers, its discontinuance furnishes no great cause of complaint. He was the less inclined to grant extraordinary indulgence to Mr. Monroe, because the public, knowing his private friendship, would be less disposed to excuse a deviation from the general rule in his favour.

He had had a correspondence on the subject of the right of deposit at New Orleans, with Mons. Dupont, a French gentleman who had recently returned to France, after a long residence in the United States; "and who," as Mr. Jefferson remarks, "possessing the confidence of both governments, and the interests of both countries being the same in this matter, might conscientiously use his good offices." He says, "Our circumstances are so imperious as to admit of no delay as to our course; and the use of the Mississippi is so indispensable that we cannot hesitate one moment to hazard our existence for its maintenance. If we fail in this effort to put it beyond the reach of accident, we see the destinies we have to run, and prepare at once for them; not but that we shall still endeavour to go on in peace and friendship with our neighbours, as long as we can, *if our rights of navigation and deposit* are respected; but as we foresee that the caprice of the local officers, and the abuse of those rights by our boatmen and navigators, which neither government can prevent, will keep up a state of irritation which cannot long be kept inactive, we should be criminally improvident not to

take at once eventual measures for strengthening ourselves for the contest." He excuses the United States for not offering for an object so important to them "such a sum as would ensure its purchase," because they were an agricultural people, poor in money, and owing large debts, which would require, for fifteen years, a rigorous economy. And that the country in question, the Floridas, except the portion already granted, is a barren sand. That it was the love of peace alone which made it a desirable object with us, for whatever power held the country east of the Mississippi, became our natural enemy. Referring to former letters on the relations between the two countries, to prevent their getting into hands which might pervert them to mischievous purposes, he requests him to consign them to the flames. This letter was written some days after he had made application to Congress for the appropriation of two millions for the purchase of Florida, but before they had acted on it. It deserves to be remarked that while his political opponents were charging him with a blind and absurd devotion to France, so as to be ready to postpone to her interests those of his own country, he was straining every faculty to prostrate a favourite policy of the French government; and went so far as to hold out to them the alternative of war, and even an alliance with their most hated enemy, if they persisted in retaining possession of Louisiana.

CHAPTER VI.

Mr. Jefferson recommends an Exploring Expedition across the Continent. Meriwether Lewis—Amendments to the Constitution. Error of its Framers. Ohio admitted into the Union. Proposed Retrocession of the District of Columbia. Repeal of Discriminating Duties, and Discontinuance of the Mint proposed. Dry Docks. Yazoo Purchase. Purchase of Louisiana—Its supposed tendency to a Separation of the Western States falsified by time. Constitutionality of admitting Louisiana into the Union. Objections finally waived. Difficulties created by Spain. Meeting of Congress. President's Annual Message. Treaty with France ratified, and possession taken of Louisiana. Professorship of Agriculture.

1803.

IN pursuance of a recommendation from the president in a confidential message of the 18th of January, 1803, Congress made an appropriation for defraying the expense of an exploring party across the continent to the Pacific. He considered that the United States would be justly subject to the reproach of the scientific world, if they longer delayed to obtain more accurate geographical knowledge of the western wilderness—a country highly interesting in itself, and which their people were destined one day to overspread. He was perhaps yet further stimulated to obtain a more accurate knowledge of the country, because he had a hope of obtaining it sooner or later from France. It had long been a favourite object with Mr. Jeffer-

son to explore this part of the American continent. He had, when in France, recommended it to Ledyard, after he was disappointed in his project of engaging in the fur trade, on the north-west coast of America; and in 1792, he proposed to the American Philosophical Society to effect the same object by subscription. It was actually undertaken by Michaux, the well known botanist, under the auspices of the society; but after proceeding as far as Kentucky, his purpose was countermanded by the French minister in the United States.*

In looking about for a fit person to conduct this enterprise, no one presented himself to his mind possessed of so many of the requisite qualifications as Captain Meriwether Lewis, who, reared in his neighbourhood, had been long known to him, and had for nearly two years acted as his private secretary. His character is thus faithfully sketched by Mr. Jefferson in a memoir of his life prepared for the posthumous narrative of the expedition: "Of courage undaunted; possessing a firmness and perseverance of purpose which nothing but impossibilities could divert from its direction; careful as a father of those committed to his charge, yet steady in the maintenance of order and discipline; intimate with the Indian character, customs, and principles; habituated to the hunting life; guarded, by exact observation of the vegetables and animals of his own country, against losing time in the description of objects already possessed; honest, disinterested, liberal, of sound understanding, and a fidelity to truth so scrupulous, that whatever he should report would be as certain as if seen by ourselves." The event well justified the propriety of the selection.

The exploring party, exclusive of a small escort as far as the Mandans, consisted of twenty-eight individuals, carefully selected, exclusive of Captain Lewis and Captain Jonathan Clarke, who was second in command. This gentleman was the brother of George Rogers Clarke, and partook of his capacity to endure hardship and encounter danger, as well as his practi-

* Captain Lewis even then proffered his services, and was willing to engage in the enterprise with a single companion. See Life of Captain Lewis, page xi.

cal good sense. Mr. Jefferson prepared with his own hand a set of instructions for Captain Lewis, which seem to embrace every object which wisdom and forecast could suggest.* The greater part of the year having been spent in making the necessary preparations, it was thought better that the party should not enter the Missouri till the spring; and it was actually the 14th of May, 1804, before they left the banks of the Mississippi. During this interval Mr. Jefferson maintained a frequent correspondence with Captain Lewis, sometimes giving such further information of the country as he had been able to acquire, and sometimes making suggestions suited to its recent cession to the United States, but all shewing how near the object was to his heart.

One of the most important measures of Congress at this session were, a proposed amendment to the federal constitution, by which the individuals severally voted for as president and vice-president should be designated by the electors, so as to take away one of the chances of an election by the House of Representatives, where, every state having an equal vote, an election may be made by the representatives of a small minority; and thus that individual whom every one had voted for as vice-president, and to whom there was no objection for that office, might be elevated to an office for which no one had originally intended him. Such an issue was the more probable, as generally speaking, the minority in the House, who had approved of neither of the two, would be likely to vote for the one who was the least acceptable to their opponents, that is, to the majority of the nation.

It is well deserving of notice that this feature of the constitution which it was now proposed to change, was the one which received the most ready and general approbation, as one which, by blending in one vote the first and the second choice, was likely to elect the man who could command the greatest number of the suffrages of his countrymen, unbiassed by local partiality; it being naturally presumed that if an elector voted for

*Though these instructions, as published, are dated the 20th of June, they were drawn and transmitted in the month of April. See Appendix (C).

one of the two because he was a resident of his own state, he would in making his second choice, where local feeling was not permitted to operate, be influenced by a regard to merit and fitness. Yet this provision, so acceptable and so plausible, it was found necessary to alter on the very second contested election; so difficult is it to know the operation of constitutional provisions until they have been tested by experiment. On this occasion, the error of those who framed the constitution consisted in supposing that the people, in choosing the electors of the president and vice-president, would look only to the qualifications for this intermediate act, and not to the act itself; and that they would implicitly transfer to these electors the power of making a selection for them, without an attempt to control them: an anticipation which now seems unwarranted by all former experience, and the common motives of human action. What seems still more remarkable is, that they very distinctly foresaw the lively interest which the people would take in the election of president, and it was with a view of tempering its force, and of guarding against those appeals which might corrupt or mislead it, that the device of an intermediate body of electors was resorted to; and yet it was supposed that this object, which they had so much at heart, would be forgotten in the execution of the means, and that they would not exercise the power they possessed of securing the fulfilment of their wishes, by voting for no elector without being first satisfied that his sentiments coincided with theirs on this cardinal point. In fact, the constitution, in withholding from the voters the right of voting for a president, meant not to make this a popular election; but in allowing them to vote for those who were to make the election, and to do nothing else, they virtually defeated their own purpose. We now know, that in voting for an elector, the people regard nothing but the individual for whom he is to vote; that no talents, virtues, or services are permitted to weigh as a feather against this, and that if they have a confidence that he will vote according to the pledges which he is always now required to give, they look for nothing more.

The subject was debated in a committee of the whole, as in

the previous session; but the majority of two-thirds, required by the constitution, was not obtained until the following year.

Ohio, which had been under a territorial government for several years, was this year admitted into the Union. Its inhabitants by the preceding census amounted to 45,365.

Agreeably to the recommendation of the secretary of the treasury, with the approbation, no doubt, of the president, a part of the bank stock owned by the government was sold by the commissioners of the sinking fund. It was then anticipated by Mr. Jefferson and his friends that when the charter expired in 1809, it would not be renewed.

Among the measures which failed, was a proposition to recede to the states of Virginia and Maryland the territory constituting the District of Columbia. The arguments urged in favour of the measure were, that the inhabitants of the district were without political rights, they being unrepresented in the national legislature, though at the same time under its government; and that this political anomaly, so inconsistent with the cardinal principles of republican government, was discreditable to the constitution, and ought to be abolished. As, however, the people of the district were, almost without exception, opposed to the recession, and it is not usual to consider as wrongs to others what those others regard as benefits, further motives must be sought to account for this measure; and they will be found in the wish of the members to transfer the seat of government to Philadelphia, either because it would be more acceptable to their constituents, or because that city strongly recommended itself to the individual members by its superior comforts and accommodations.

The committee to whom the subject was referred, reported in favour of the retrocession, but the House on the 9th of February, disagreed to their report, as to Virginia, by a majority of 66 to 26; and, as to Maryland, without a count. Of the preceding minority, 11 were from the southern states.

The recommendation of the president to repeal the discriminating duties did not receive the sanction of Congress. The merchants both of Philadelphia and New York petitioned against this re-

peal, and the subject, after being referred to the committee of the whole, was never finally acted on. The petitioners relied on the rapid increase of American shipping, under the system of discrimination, as conclusive evidence of its beneficial operation. But it was forgotten that before the existence of these duties, that is, before the existence of the federal government, there was discrimination in other countries, but none that was effectual here, for want of harmonious co-operation in the different states; and although a heavier duty on foreign tonnage may be advantageous to any nation to counteract the heavier duties to which its vessels are exposed, yet it does not follow that their mutual abolition would not be still more beneficial, and the United States had no experience on this point. They had tried the effect of mutual burthens on the trade between them and foreign nations, but they had not made the experiment of mutual exemption; and, supposing the discriminations to be equal, it is not easy to see why the advantage to American vessels of a lower tonnage duty at home would not be counterbalanced by the disadvantage of a higher duty abroad, in every voyage outward and homeward. In truth, all these discriminations, which operate as a bounty on some, by the exclusion of others, are hurtful to the whole mercantile interest, and operate to lessen the amount of trade, by requiring a greater capital to carry it on, by narrowing the sphere of competition, and by lessening the total amount of imports and exports. We may, therefore, fairly infer that whenever nations shall clearly see their interests, and be content to pursue them without jealousy or other bias, they will act on the principle recommended by Mr. Jefferson, and sanctioned by the committee.

Another argument relied on was, that foreign nations could *build* vessels cheaper than could be done in the United States, which seemed improbable, when timber, the most important article, was cheaper here than elsewhere; but, supposing it true, it was asking Congress to tax the rest of the community for their benefit, and to divert the capital and industry of the nation from some employment which was virtually admitted to be more profitable than that of navigation; or at least it was confining

the ground of protection to the single benefit of providing seamen for a navy, an argument of little weight with the mass of the nation, considering the doubts of some as to the policy of any species of standing force, and the moderate notions of all as to its extent. It deserves to be remarked, that this, which was in fact the only plausible argument against the repeal, (on their own statement of facts,) was the only one they did not use.

They also argued that foreigners could *navigate* cheaper than Americans; from which facts they drew the following conclusion: "Thus it appears that foreigners can build cheaper, and sail their vessels cheaper than we can; and it may be said that Europeans are generally satisfied with a less gain than the American merchant can afford to receive," which facts, if true, presented the strongest arguments against their own pretensions.

They drew an argument also from the navigation act of Great Britain, by which American ships were precluded from carrying to England any other than the products of the United States, whereas English ships were not restricted from bringing to this country the products of any other. The remedy for this disadvantage was not, however, discriminating duties, which could not operate to remove or compensate the exclusion, but a similar restriction on British vessels, so as to confine the trade between any other country and the United States to the ships of the two countries, and thus to exclude British vessels from a share of this carrying trade, precisely as she had excluded American vessels in analogous cases. Whether the discriminating duties were repealed or not, Great Britain would still profit by her navigation act, if it was not countervailed by other nations.

They also laid a stress on the assumed fact that "the value of the importation cargoes is so much greater" than those of exportation, which are liable to duties, that the extra duties paid by the foreigner were in many instances equal to the freight, so that they amounted to a prohibition, and thus secured a monopoly to American shipping. It is clear that the average value of the imports and exports must be equal, and if

the duties on the imports here exceeded the duties on our exports in foreign ports, it was an accidental difference; and one which, other nations always having the means of correction, and being also strongly prompted to use them, was of too precarious a character to outweigh considerations of general and permanent policy.

They even endeavoured to show that the proposed repeal would be injurious to the agricultural as well as the mercantile community. After maintaining that free competition would drive the American ship owner out of employment, they say that then the farmer "must be entirely at the mercy of chance adventurers for a market; and when the demand is not very great, the price of the freight will be deducted from the price of the article, and of course take so much from the pocket of the farmer." Yet, to prove the very exclusion of American vessels which was to occasion such disastrous results, they had previously asserted that, if foreign ships were admitted on the same terms with our own, they would "crowd our wharves, *underbid our freight*, monopolize our markets, and leave the American vessels idly to rot in docks." As if, in case it were true that foreign vessels could transport American products to distant markets cheaper than American vessels could, it would not increase the demand for those products, and raise their price, and, so long as there was the same unrestricted competition, there would not be a permanent supply on the same low terms.

Such was the reasoning of what was supposed to be the most intelligent portion of the mercantile community; and it is believed that their arguments, which are at once so feeble and so inconsistent with facts and with one another, were not disingenuously used, as some may believe, for the purpose of misleading, but because those who used them thought them really sound and unanswerable. Having listened to their fears that their own interests would be seriously affected, they then found no difficulty in considering the national interests as identical with their own.

There was also a proposition to discontinue the mint. This was supported chiefly by members of the republican party, who,

having under former administrations, condemned the institution as a useless piece of expense, and one which had been recommended solely by its giving to the general government one of the badges of sovereignty, felt themselves bound to maintain the same opinions now that their own party was in power. Their opponents were not behind them in their claims to consistency, and were for retaining the mint, and they, with a part of the administration party, were sufficient to prevent the abolition, by preventing a decision. This attempt, which, supposing the mint to be of little public utility, must be considered, at best, as pursuing small game, was never subsequently renewed. But besides that the mint contributes to supply the community with the more valuable coins, and does supply it with the smaller, it would be discreditable to the country that there should be no place to which any one could refer to have gold or silver correctly assayed; and since those metals are made a legal tender for all debts, to ascertain the precise value of any amount of them. The coins, too, which they strike off, and which are multiplied and diffused throughout the country, are in fact so many standards with which portions of the uncoined metals may be compared. Every consideration which has induced governments to provide precise standards of measure and weight applies with equal force to coins; whether we regard the nicety and difficulty of attaining such a standard, or the inconvenience which arises from the want of it.*

The subject of providing dry docks for the safe keeping of the public ships was referred to a committee, of whom Dr. Mitchell of New York was chairman. He made a favourable report of the plan; but after some days debate in committee of the whole, the House rid itself of the question by refusing the committee leave to sit again; thereby countenancing the opinion, which had been industriously propagated by Mr. Jefferson's enemies, that the scheme was visionary and impracticable. And thus the only occasions in which the federal party triumphed—those

*There had been a proposition at the preceding session to abolish the mint, and it seemed to be favoured by the whole republican majority; but the subject was not finally acted on.

of the repeal of the discriminating duties, and of the dry docks, were those in which, by the verdict of after times, they were substantially wrong.

This session was also signalized by a law, which provided for the settlement of various classes of claims to land in that large tract of country, extending from the western limits of South Carolina and Georgia to the Mississippi, but which, from the fraudulent character of one portion of them, gave rise to a contest in Congress that, with few intermissions, continued through a period of eleven years.

The country in question, which now constitutes the states of Alabama and Mississippi, had long been the subject of conflicting claims both as to its sovereignty and its soil; though down to 1803, the paramount right of the Indians remained unextinguished, except as to three of the fifty-two millions of acres it contained. South Carolina claimed under her original charter a portion of it, lying along the southern boundary of Tennessee; and in 1807, she ceded her right to the United States. Georgia set up a claim to the whole of it, under her charter; and the United States claimed it by the right of conquest and the treaty of peace.

Two acts of Congress passed in 1798 and 1800, having authorized the executive to appoint commissioners to adjust the question of right with Georgia, and to inquire into the claims of settlers, the president appointed three members of his cabinet, Mr. Madison, Mr. Gallatin, and Mr. Lincoln, to execute these duties. In April, 1802, these gentlemen agreed with three commissioners appointed by the state of Georgia, that the territory in dispute should be ceded by Georgia to the United States; and by the terms of their agreement the United States were to pay to Georgia 1,250,000 dollars; to confirm the titles of all who claimed under Great Britain, when she held Florida and its limits extended to a part of this territory; or under Spain after she conquered it; or under a law of Georgia passed in 1785; and to set apart 5,000,000 of acres for "satisfying, quieting, and compensating" all other claims. This agreement was ratified by Georgia in June 1802.

The commissioners of the United States, in discharge of the second part of their duty, made a report to Congress in which they set forth all the various descriptions of claims to land within the territory, not only those particularized by the articles of cession, but those of far greater magnitude which were derived from the state of Georgia by laws passed in 1789 and in 1795. By the first of these laws, more than half the whole territory was granted to the South Carolina Yazoo, the Virginia Yazoo, and the Tennessee companies for the sum of 207,000 dollars. But as they offered to pay this grossly inadequate price in depreciated paper money of Georgia, they were considered by the state to have forfeited their claim, and the commissioners agree that they had no title, either to land or to compensation. The claimants under the law of 1795 had a title, which was valid according to all the forms of law, but which was vitiated by the grossest bribery and corruption. This law authorized the sale of four tracts of country to the *Georgia, the Georgia Mississippi, the Upper Mississippi, and the Tennessee Companies*, comprehending, as they then estimated, seventy millions of acres, for the sum of 500,000 dollars, or two cents and a half an acre; but, as afterwards appeared, when the quantity of land was more correctly ascertained, at half that price. They paid the purchase money and received deeds duly executed by the Governor of Georgia.

It subsequently appeared that these four companies had previously combined to set apart 2,000,000 acres for such persons as they should admit into their partnership, on their paying at the rate of two and a half cents per acre; and that every member of both houses of the legislature, with a single exception, had been admitted a partner in the purchase on those terms, and in different proportions, according to the value the speculators set on his influence, and he set on his integrity; and that they had, moreover, been excused from paying their several pittances until seven months afterwards, before which time it might be sold for twenty, or perhaps fifty times its cost.

These facts being proved to the succeeding legislature,* they,

*The testimony exhibited to the legislature of Georgia in 1796 presents

in obedience to the voice of an indignant people, annulled the grants, and ordered the purchase money to be repaid. More than half of it was accordingly repaid; but in the interval, between the grant and its annulment, many of the purchasers had sold their rights to others, *without warranty*, and these hoped, in the character of innocent purchasers, on the faith of a legislative act, to reap the benefit of their contract, either in its literal fulfilment, or in an advantageous compromise.

Having lost all hope of the former mode of adjustment, they attempted the latter with the commissioners, and modestly offered to take 8,500,000 dollars for their claim. The commissioners had no hesitation in deciding against the validity of their title, but add their belief "that the interest of the United States, the tranquillity of those who may hereafter inhabit that territory, and various equitable considerations, which may be urged in favour of most of the present claimants, render it expedient to enter into a compromise on reasonable terms." They therefore recommend that the claimants, at their option receive either such part of the 5,000,000 of acres, as may remain after satisfying certain other settlement claims, or 2,500,000 dollars with interest, or 5,000,000 dollars without interest, to be raised from the sale of those lands. They further recommend a legal provision in favour of all claims of actual settlers.

In conformity with this report a law was passed providing for and confirming the claims of all settlers, and giving the right of preemption to those who had no claim; and they authorized the same three commissioners to receive offers of compromise from the other claimants, and to report them to Congress. The claimants proffered to except the terms suggested by the commissioners; but year after year their application was resisted on the ground of the corruption in which the claims had originated. Mr. Randolph took the lead in the opposition, and the occasion being suited to his temper and peculiar style of eloquence, he

an interesting volume in the history of legislation, in the unexampled extent of the corruption, the mixture of boldness and artifice in its managers, in the shamelessness of some of the members, and the simplicity of others. Many of them seemed unconscious of the utter baseness of the transaction, and of their own meanness.

perhaps never spoke with as much ability and effect. But the conciliatory course recommended by the commissioners finally prevailed, and in 1814 the sum of 5,000,000 dollars was appropriated for the claimants.

The "Yazoo fraud" and the "Yazoo claims" fill a large space in the legislative annals of the day, and they present an interesting and instructive lesson, both to the people and their representatives, but unfortunately, not one of equal efficacy to the unprincipled intriguer. Mr. Jefferson was a passive spectator in these legislative proceedings, but it deserves to be remarked that both his sons-in-law, Colonel Randolph and Mr. Eppes, voted against the claims while they continued in Congress.

The principal party measures of the opposition this session, were an attempt to precipitate the country into a war with Spain, or perhaps to throw on the administration the odium of abandoning the rights of the nation; and to bring suspicion on the treasury department. Mr. Ross of Pennsylvania, on the 25th of February offered a series of resolutions in the senate, which after asserting the right of the United States to the navigation of the Mississippi and to a place of deposit, and noticing the importance of this right, and its recent infraction by Spain, proposed to authorize the president to take immediate possession of such places in or near New Orleans as he deemed fit; and to call into service the militia of the adjoining states with the forces of the nation.

All of these resolutions, except the one asserting the right, being superseded by others, authorized the president to call out 80,000 militia, offered by Mr. Breckenridge of Kentucky, the latter were unanimously adopted, and a bill in conformity with them passed both Houses.

In the House of Representatives, two days before the session ended, Mr. Griswold of Connecticut, offered a resolution to inquire whether the sum of 7,300,000 dollars had been fully appropriated by the commissioners of the sinking fund to the discharge of the public debt, and he endeavoured to show that it had not. The resolution was not opposed, and the next day

an answer was received from Mr. Gallatin, the secretary of the treasury, to the queries of the committee of inquiry, so clear, and full, and satisfactory, as to afford the administration and its friends a complete triumph. The secretary's letter also fully answered Mr. Bayard, who attempted on the 3d of March to impugn the sale of the bank stock owned by the United States was illegal, inexpedient, and attended with a serious loss.

The mission to France was attended with unlooked for success. The American ministers, instead of merely purchasing New Orleans and the Floridas, as had been the first and main object of Mr. Jefferson, were able to effect a purchase of all of Louisiana, equal in extent to the whole previous territory of the United States. They owed their good fortune to the war which was so suddenly renewed between France and England, when the government of France, convinced that the possession of Louisiana would soon be wrested from her by the superior naval power of England, readily consented to make sale of it to a third power, and the rather, as the purchase money was particularly acceptable to France at that time.

The negotiation was conducted on the part of France by M. Marbois, who, while secretary of the legation to the United States, had addressed the queries to Mr. Jefferson, which had called forth his notes on Virginia. If fortune had a full share of agency in this acquisition, it is no small praise to the administration that they had foreseen the probability of the result, and had promptly and skilfully availed themselves of the occasion so as best to secure the peace and promote the aggrandizement of their country.

By the treaty of cession, sixty millions of francs, equal to 11,250,000 dollars were to be paid to France by the United States in six per cent. stock, three months after delivery of the country, and certain claims of American citizens against France, which had been stipulated to be paid by the convention of September, 1800, which were estimated at twenty millions of francs, equal to 3,750,000 dollars. French and Spanish vessels, with merchandise of their respective countries, were to be admitted into the ports of Louisiana for twelve years on paying the same

duties as American vessels: The same privilege to be extended to no other nation: The ceded country to be admitted into the Union as soon as the constitution permitted. After the expiration of twelve years, the ships of France were to be received into the ports of Louisiana on the footing of the most favoured nation. The area of the country thus ceded, according to the claims of France, and the estimate of Mr. Jefferson, exceeded a million of square miles, but all, except a very small proportion of it, was occupied by savages, its natural proprietors. Its inhabitants were principally French, and descendants of French, with a few Spanish creoles, Americans, English, and Germans. The whole number amounted to 80,000 or 90,000 inhabitants, including about 40,000 slaves.

Mr. Jefferson's letters at this time all strongly testify the lively satisfaction afforded by this acquisition. He wrote in July to General Gates, that the extensive territory which thus "more than doubled the area of the United States," was not inferior to the old part in soil, climate, productions and important communications. He thought, too, that it afforded the means of "tempting all our Indians on the east of the Mississippi to remove to the west." This bids fair to be realized, but he was less prophetic when he added, "and of condensing instead of scattering our population." They are not likely to be much condensed before the settlements are arrested by the Pacific Ocean. As the opposition had endeavoured to impute the whole merit of the purchase to the renewal of the war between England and France, he remarks, "They would be cruelly mortified could they see our files from May, 1801, the first organization of the administration, but more especially from April, 1802. They would see that though we could not say when war would arise, yet we said with energy what would take place when it should arise. We did not, by our intrigues, produce the war, but we availed ourselves of it when it happened. The other party [meaning France,] saw the case now existing on which our representations were predicated, and the wisdom of timely sacrifice." A letter which Mr. Jefferson received from a member of the National Institute of France at this time,

suggested a future benefit from the cession, which, however visionary it may have then appeared to most men, some of the present generation may live to see realized. He thus notices it to Captain Lewis:

“Washington, July 15, 1803.

“Dear Sir:

“I dropped you a line on the 11th inst. and last night received yours of the 8th. Last night also we received the treaty from Paris, ceding Louisiana, according to the bounds to which France had a right—price eleven and a quarter millions of dollars, besides paying certain debts of France to our citizens, which will be from one to four millions. I received also from Mr. Lacepede at Paris, to whom I had mentioned your intended expedition, a letter, of which the following is an extract: ‘Mr. Broughton, one of the companions of Captain Vancouver, went up Columbia river one hundred miles, in December, 1792. He stopped at a point which he named Vancouver, latitude $45^{\circ} 27'$, longitude $237^{\circ} 50' E$. Here the river Columbia is still a quarter of a mile wide, and from twelve to thirty-six feet deep. It is far then to its head. From this point Mount Hood is seen, twenty leagues distant, which is probably a dependance of the Stony Mountains, of which Mr. Fiedler saw the beginning about latitude 40° , and the source of the Missouri is probably in the Stony Mountains. If your nation can establish an easy communication by rivers, canals, and short portages, between New York, for example, and the city [they were building, or to be built, for the badness of the writing makes it uncertain which is meant, but probably the last] at the mouth of Columbia, what a route for the commerce of Europe, Asia and America!’

“Accept my affectionate salutations,

“THOMAS JEFFERSON.”

One of the topics by which the opposition sought to undervalue this purchase of territory was, that so large an extent of country was inconsistent with a single government, and that it

would facilitate and hasten a great western confederacy, which would embrace all the waters of the Mississippi on both sides of it. By some of his speculations in a letter to Mr. Breckinridge of Kentucky, he seems half inclined to the same opinion himself. "These combinations," he remarks, "depend on so many circumstances which we cannot foresee, that I place little reliance on them. We have seldom seen neighbourhood produce affection among nations. The reverse is almost always the universal truth." But he thus finds consolation in such a result. "Besides, if it should become the great interest of these nations to separate from this, if their happiness should depend on it so strongly as to induce them to go through that convulsion, why should the Atlantic states dread it? But especially, why should we, their present inhabitants, take side in such a question? When I view the Atlantic states procuring for those on the eastern waters of the Mississippi, friendly instead of hostile neighbours on its western waters, I do not view it as an Englishman would the procuring future blessings for the French nation, with whom he has no relations of blood or affection. The future inhabitants of the Atlantic and Mississippi states will be our sons. We leave them in distinct but bordering establishments. We think we see their happiness in their union, and we wish it. Events may prove it otherwise; and if they see their interest in separation, why should we take side with our Atlantic, rather than our Mississippi descendants? It is the elder and the younger son differing. God bless them both, and keep them in union, if it be for their good, but separate them, if it be better. The inhabited part of Louisiana, from Point Coupé to the sea, will of course be immediately a territorial government, and soon a state. But above that, the best use we can make of the country for some time, will be to give establishments in it to the Indians on the east side of the Mississippi, in exchange for their present country, and open land offices in the last, and thus make this acquisition the means of filling up the eastern side, instead of drawing off its population. When we shall be full on this side, we may lay off a range of

states on the western bank, from the head to the mouth, and so, range after range, advancing compactly as we multiply."

The policy here recommended, has been very different from the one pursued. The government was for many years afterwards slow in extinguishing the Indian title; nor is it yet quite extinguished. We have also had a state on the west side of the Mississippi for more than ten years; are on the point of having another, Arkansas; our settlements have penetrated the interior, and now extend on the Missouri far beyond the state of that name. He said he was opposed to giving any part of the country on the Mississippi in exchange for the Floridas, as some wished, because we should be certain to obtain the latter by purchase, whenever Spain was involved in war, and because the sole and exclusive right to the navigation of the Mississippi was essential to our future peace. As to the seeming indifference with which Mr. Jefferson regarded a separation of the western from the Atlantic states, we must suppose that he doubted, in common with many others at that day, whether the country thus enlarged, was not too extensive to be united under one government; or at least, whether the ligaments which bound them together were sufficiently strong to bear the strain they were destined to endure. The lapse of thirty years has enabled us to understand the subject better, and to see it in another and more pleasing aspect. The value of the Union is now more justly appreciated by all our citizens, and by none more than by the people of the west. A large portion of them plainly perceive that a dissolution of the Union would put in jeopardy the secure enjoyment of the Mississippi navigation, which is so essential to their prosperity, so indispensable to their foreign commerce; and be more injurious to them, perhaps, than to any other part of the Union. Besides, if a separation were to take place, it would certainly not be between the Atlantic and the western states, but of the southern from the northern, or the northern and middle states. It is true, that if any of the states saw their safety or happiness in separation, the rest ought not to wish to retain them in a forced union; but it is not easy to conceive a condition of things that has a sem —

blance of probability, in which the situation of any and every state would not be rendered incomparably worse by a separation. It does not necessarily follow that, because a separation was wished by some particular portion, the happiness of that portion would be merely promoted, since ambitious and designing men may so succeed in appealing to their passions as to persuade them to wish for what, on trial, or in their cooler moments, they would most sorely repent.

It clearly appears by the same letter that Mr. Jefferson did not think that the constitution authorized this addition to the national territory, and that it would be necessary to obtain a special amendment for that purpose. "The constitution," he remarks, in the same letter, "has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The executive, in seizing the fugitive occurrence which so much advances the good of their country, *have done an act beyond the constitution*. The legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves, had they been in a situation to do it." He assimilates the case to that of a guardian who exceeds his authority to make an advantageous purchase for his ward, relying on his confirming it when he comes of age, and adds, "But we shall not be disavowed by the nation, and their act of indemnity will confirm and not weaken the constitution, by more strongly marking out its lines."

Yet the act of indemnity, in other words, the amendment to the constitution, never took place; and as the treaty received the sanction of every branch of the government, and the silent acquiescence of the nation, it would seem not to have been required. Yet Mr. Jefferson's doubts appear to rest on strong ground; for, assuredly, if the executive, with the sanction of the senate, could constitutionally buy Louisiana of France, and stipulate to incorporate it into the Union, it might also have bought Mexico of Spain, and thus the whole character of the people of the United States, their government, religion, laws,

and institutions might have been merged in that of a nation more populous than itself;* which supposition is utterly inconsistent with the jealous limitations of power imposed by the constitution.

It would be interesting, and not without instruction, to collect the various predictions of a dissolution of the federal union, which have been made not only in other countries but in this; and not by light and ignorant men, but by grave and eminent statesmen. Mr. Jefferson had apprehensions of this character during Mr. Adams's administration. Mr. Adams entertained similar fears during Mr. Jefferson's. Mr. Clay during the discussion of the Missouri question. Many considered the Union in danger from the war of 1813, and afterwards from the Hartford Convention; and at a subsequent period, many more from the struggle between the North and the South relative to the tariff. Even the closing of the port of New Orleans by Spain in 1802, was thought to endanger the adhesion of the western states; and at a yet later period the conflicting sentiments and feelings of our citizens on the subject of domestic slavery seems to many to threaten the continuance of the confederacy. The frequency of these fears, and the readiness with which they pass into oblivion, seems to show that they may be mainly attributed to the strong attachment felt for the Union, united with that want of confidence in its permanency which nothing but time can give.

In a letter to Mr. Lincoln, the attorney-general, on the 30th of August, 1803, Mr. Jefferson gives the following sketch of the amendment to the constitution, which the purchase of Louisiana seemed to require. "Louisiana, as ceded by France to the United States, is made a part of the United States; its white inhabitants shall be citizens, and stand, as to their rights and obligations, on the same footing with other citizens of the United States, in analogous situations, save only as to the portion thereof lying north of an east and west line drawn through the mouth of Arkansas river; no new state shall be established, nor

* The population of the United States in 1800 was 5,300,000; that of Mexico in 1803, according to Poinsett, was 5,783,750.

any grants of land made, other than to Indians, in exchange for equivalent portions of land occupied by them, until an amendment of the constitution shall be made for these purposes."

"Florida also, whensoever it may be rightfully obtained, shall become a part of the United States, its whole inhabitants shall thereupon be citizens, and shall stand, as to their rights and obligations, on the same footing with other citizens of the United States, in analogous situations."

He prudently suggests that the less that was said about any constitutional difficulty the better; and that it was desirable for Congress to do what was necessary *in silence*. This caution was no doubt dictated by a consideration of the mischief which such discussions might produce in France, in case she should want pretexts to annul the purchase, as well as at home, if the opposition should resort to these constitutional objections as a means of embarrassing the administration.

He had good reason for this caution as it respected France, since the American ministers at Paris soon afterwards wrote, that if the negotiation were then to take place, the same treaty could not be obtained, and that if the United States gave the French government the least opening they would declare it void; and that a "warning" to this effect had been given to them; and moreover a strange letter relative to the treaty had been recently written by their minister (Pichon) to our secretary of state. In *Madison* communicating the preceding facts to Colonel Wilson C. Nicholas, then residing in Albemarle, Mr. Jefferson again expresses his opinion that they could not incorporate Louisiana with the United States, without an amendment to the constitution; but Colonel Nicholas had expressed the opinion that the power given to Congress to admit new states into the Union, extended to territory beyond their limits at that period. Mr. Jefferson admitted that the constitution would bear that interpretation; but remarked, that "When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe and precise;" and that he had "rather ask an enlargement of power from the

nation, where it is found necessary, than to assume it by a construction which would make our powers boundless." After urging strong arguments against the dangers of a broad construction of the constitution, he adds, "If, however, our friends shall think differently, certainly I shall acquiesce with satisfaction; confiding that the good sense of our country will correct the evil of construction when it shall produce ill effects." This letter was written from Monticello in September, where he had been recently visited by Mr. Madison and his old friend Mr. Page, then Governor of Virginia, and where he had at the same time expected Colonel Nicholas.

The Spanish government which had reluctantly yielded up the possession of Louisiana to her haughty ally, endeavoured by her authorities on this side of the Atlantic, to raise some difficulty against the execution of the treaty. She protested against the right of France to make the transfer, and made a show of refusing to surrender the possession. When the ascendancy, or rather absolute control which France had long exercised in her councils is considered, it seems highly probable that her course had the acquiescence of France, if it was not acknowledged by her.*

In consequence of the intimation received from the American ministers at Paris, Mr. Jefferson called Congress on the 17th of October, about three weeks earlier than the day that had been previously fixed. And on that day, there being a quorum of both Houses, he addressed to them his opening message. He reminds the legislature of the high state of excitement which had been produced by the suspension of the right of deposit in New Orleans, and that its continuance would have been more injurious to the nation than any mode of redress, but that on proper representations the right had been restored. He says

* But it would seem from a letter addressed by the Spanish minister Yrujo to Mr. Madison, March 10, 1803, that the intendant of Louisiana acted without the authority of his government.

The intendant's proclamation restoring the right of deposit, was dated May 17, 1803; and on the following day the agents of the King of Spain issued a proclamation for surrendering it to France.

that previous to this the executive had, with the sanction of Congress, endeavoured to obtain the sovereignty of New Orleans, and other possessions important to the future peace of the United States. That the purchase of all Louisiana had been since effected on the 30th of April, preceding, by which the United States acquire an independent outlet for their commerce; an uncontrolled navigation of the Mississippi and its waters; an immediate accession to the revenue; an ample provision for posterity; and a wide extension of the blessings of freedom and equal laws. He informs them that a convention had been entered into with Great Britain for settlement of the boundary line between her American territories and those of the United States. That the finances continued in a prosperous state; more than three millions of the principal of the debt having been discharged within the year, besides leaving in the treasury nearly six millions, including the two millions placed by Congress, in the hands of the executive, for the furtherance of the late negotiation with France.

That by the acquisition of Louisiana, when it was confirmed, the sum of thirteen millions would be added to the public debt; but as most of it was not payable until after fifteen years, when the present debt would be discharged, he hopes that no additional taxes would be required. Adverting then to the renewal of war in Europe, he strongly urges them on the strict performance of the duties of neutrality, of punishing all deviations from it on the part of American citizens. He thus sketches the duties of neutrality: "Let it be our endeavour," he says, "as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of innocent kindness; to receive their armed vessels with hospitality, from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbours such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizens or aliens, who shall usurp the cover of our flag, for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs not

our own; to exact from every nation the observance, towards our vessels and citizens, of those principles and practices which all civilized nations acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong."

He further inculcates the duties of neutrality by the following forcible appeal to the interests of his countrymen:

"Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them, and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with, of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness; of cultivating general friendship; and of bringing collisions of interest to the umpire of reason rather than of force. How desirable, then, must it be, in a government like ours, to see its citizens adopt, individually, the views, the interests, and the conduct, which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions towards the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us, with commiseration, indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves, and in all communications with your constituents."

The treaty was ratified by the Senate on the 20th of October, by 24 votes to 7, and on the 22nd it was officially communicated to Congress, that they might provide for its execution, and on the same day, the injunction of secrecy, as to the appropriation of two millions, placed in the hands of the executive, was taken off.

In the House of representatives the treaty also met with opposition from the federal party. On the 21th of October, Mr. Griswold of Connecticut, offered a resolution to request the president to lay before the House a copy of the treaty between France and Spain, which ceded Louisiana to the former, together with the deed of cession, (if any such existed,) also such part of the correspondence between the government of the United States and the government or minister of Spain, as would show the assent or dissent of Spain to the late purchase of Louisiana, together with such other documents as were in the possession of the government, "tending to ascertain whether the United States had, in fact, acquired every title to the province of Louisiana, by the treaty with France."

This resolution was opposed by the friends of the administration, and in an animated debate, each party, referring to the call for papers in 1795, relative to the British treaty, charged the other with inconsistency, as the two parties had now changed places as to this question. It was also urged with great force against the federalists, that while they had recently maintained that the United States must obtain possession of New Orleans, the key to the Mississippi, at every hazard, now when it was offered us, they were scrupulous about receiving it, and were endeavouring to find a flaw in the title. Separate questions being taken on the different members of the resolution, a part passed in the affirmative and a part in the negative, and the main question, so amended as to rid it of its embarrassing features, was finally rejected by 59 to 57, several of the republicans voting with the minority.

On the next day, resolutions having been brought forward by Mr. Dawson of Virginia, for carrying the treaty into effect, objections to its constitutionality were urged by the opposition, first, because the government had no power to acquire new territory; and secondly, because by the seventh article of the treaty, by exempting French and Spanish vessels in the ports of the ceded territory to higher duties than American vessels, a preference was given to those ports over those in the other states.

To maintain the first point, the opposition party entrenched

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themselves on the single ground, that the constitution having framed a government with limited powers, for a particular territory, within boundaries ascertained or to be ascertained, and having given no power to acquire territory, such power was not possessed by the government, and could be obtained only by an amendment to the constitution.

In reply to this, it was urged by Mr. Randolph of Virginia, that the capacity in the United States to acquire territory necessarily arose from the fact, that their boundary was unsettled when the constitution was framed; nay, that a part of it was incapable of being established according to the limits assigned by the treaty of 1783, as it was now well ascertained that a line running west from the Lake of the Woods, would not touch the Mississippi at all; and consequently that new territory must be acquired, or the United States would be without precise boundary in the north-west.

He also, not very logically, asked whether, supposing "the commissioners under the treaty of London, had determined the river St. John, or St. Lawrence, to be the true St. Croix," part of the provinces of New Brunswick or Quebec, would not at this time be a part of the United States. It was on the same side urged by Mr. Nicholson of Maryland, that the right to acquire territory was incident to every sovereign nation; that the states confederately had this power after their independence, and having surrendered it with the power to declare war and make treaties, to Congress, first under the confederation, and afterwards under the constitution, it now belonged to the federal government: that territory can be acquired only by conquest or purchase; of which the first mode is given to Congress in the power to make war, and the last to the president and Senate in the power to make treaties; and lastly, that these powers are expressly taken from the states by the constitution, and, being essential to sovereignty, they must exist somewhere."

In answering the second objection, the arguments of the administration party seem more satisfactory. They urged that the discrimination in favour of American shipping, out of which the objection grew, was a creature of the law, and not of the

constitution; and if they were found to be in conflict, the former could be repealed: that the provision in question, by putting American vessels on the same footing as French and Spanish, seemed a benefit to American shipping, and therefore could not be fairly regarded as violating a provision made for their advantage; and at most, if after Louisiana became one of the states of the Union, the exemption of French and Spanish vessels from higher duties, in its ports, than were paid by American vessels, would be really giving a preference to those ports, then the other states might insist that the same exemption should be extended to their ports. But as the general discrimination, with the single and temporary exception in the ports of Louisiana, operates very beneficially to American shipping, the other states would not ask its repeal, but would acquiesce in this small deduction from the commercial benefits conferred by the treaty. These arguments prevailed with the republican party, who now found that the very strict construction of the constitution for which they had contended when in the opposition, was not suited to them when in the exercise of power; and which, if pushed to that extreme of nicety which some affected, would often defeat the main purposes for which the constitution was established. The general resolution for carrying the treaty into effect was adopted by a vote of 90 to 25; and the resolutions for a provincial government over the ceded territory, and for providing the purchase money, were passed without a division.

A letter from Mr. Jefferson to Mr. Livingston about this time, Nov. 4th, shows that he very correctly estimated the feelings and policy of the first consul in relation to a matrimonial connexion, which one of his brothers formed at this time in the United States. Jerome Bonaparte had accompanied Le Clerc in the expedition to St. Domingo, and when the subjugation of that island was found impracticable, and he and some others had decided on returning to France, they came to the United States for the sake of obtaining a conveyance in a neutral ship. During his short stay he became enamoured with a young lady of

Baltimore of great beauty and attractions, married her, and soon afterwards they embarked for France. Mr. Jefferson mentioned the circumstance to Mr. Livingston, and requested him, if the first consul should think that the executive of the United States ought to have prevented a match, which for political reasons was so little likely to be acceptable to him, to enter into the requisite explanations, and to state that, by the laws of this country, no one can prevent the marriage of persons twenty-one years of age, and none but the guardian, the marriage of persons under that age. But Napoleon was able to remedy the mischief which Mr. Jefferson had been incompetent to prevent.

When M. Pichon, the French minister was about exchanging ratifications of the treaty, he proposed to add a protestation against any failure of execution in time or other circumstances, on the part of the United States. He was however told that in that case they would annex a counter-protestation, "which would leave the matter exactly where it was; that this transaction had been conducted throughout with a frankness honourable to both nations; that to annex to it such an evidence of mutual distrust, would be discreditable to both: that both branches of the legislature had passed one of the bills for carrying the treaty into execution and would soon pass the other;" on which he exchanged the ratifications without the protestation.

It further seems from this letter that Spain had entered a protestation against the ratification of the treaty by the United States, on the grounds—First, that the first consul had not executed the conditions of the treaties of cession; and secondly, that he had broken a solemn promise not to alienate the country to any nation. Mr. Livingston was also told that if the French commissioner Lausat, was heartily disposed to carry the order of the first consul into execution, he could command a volunteer force at New Orleans, and would have the aid of the troops of the United States; but that if he was not so disposed, they would take possession, and leave it to France to adopt the act as her own, and thus entitle herself to the complete execution of the treaty.

CHAPTER VII.

The President recommends a repeal of the Bankrupt Law. Bank of the United States. Statistics of Louisiana. Amendment to the Constitution. Naturalization Law. Judge Pickering impeached and removed. Yazoo claims. Loss of the Frigate Philadelphia. His increasing popularity. Views of the Federal Party. Death of Mrs. Eppes. Correspondence with Mrs. Adams. Mr. Jefferson vindicates his course. Letter to Mazzei. Various speculations to which the acquisition of Louisiana gave rise. Mr. Jefferson's view of the consequences of a separation. Expedition against Tripoli. Presidential Election. Meeting of Congress. President's Message. Gun Boats. Impeachment of Judge Chase—his trial and acquittal.

1804—1805.

MR. JEFFERSON'S steadfastness in the principles he had professed before he was in power, was exhibited on more than one occasion at this period. It was at his instance, it is believed, and certainly with his hearty concurrence, that the bankrupt law, which had been first enacted in one of the last years of Mr. Adams's administration, and afterwards modified, was at this session repealed. As this law authorized a majority of the creditors to discharge a bankrupt trader from all his preceding debts, it was regarded by many of the other classes of men as an invidious privilege to the mercantile community; especially in the southern states, where the agricultural pursuits are predominant: and as it was found that by the power of making discriminations in favour of some creditors, and in fact of making

surreptitious creditors, there was no difficulty in general in obtaining the sanction of the requisite majority for the debtor's discharge, the law was condemned as affording but too much encouragement to fraud, waste, and a rash spirit of adventure. It was therefore not viewed with favour by one half of the nation. Yet with the other half it was still more approved, and it scarcely could be doubted, when it is considered how much stronger was the sentiment in support of it than that opposed to it, and the extensive patronage it afforded to the executive in the appointment of the numerous commissioners who were to execute it, that the administration would have gained far more by the continuance of the law than by its repeal. The president, however, showed the same indifference to patronage, or rather the same disinclination to possess it, at the expense of what he believed to be the public interest, as in the repeal of the internal taxes, and the abolition of the host of revenue officers which thereby ensued. Those who had favoured the policy asserted no such claims to consistency, but readily concurred in depriving the administration of this source of influence. By the only recorded vote taken in the process of repeal, there were 99 votes in favour of the measure to 13 against it.

The Bank of the United States afforded him another occasion of testing his sincerity in the principles he professed, and his integrity in adapting his practice to his profession. After having noticed with approbation the extension of the same principle of rotation to the branches, which the law had prescribed in the case of the principal bank, he thought the executive ought not to lend its sanction to any other principle. But, adverting to the disposition manifested by the bank to establish a branch in New Orleans, he reiterates his first objections to the institution in the following strong language:

“This institution is one of the most deadly hostility existing against the principles and form of our constitution. The nation is, at this time, so strong and united in its sentiments, that it cannot be shaken at this moment. But suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a republican government to meet a crisis of great

danger, or to unhinge the confidence of the people in the public functionaries; an institution like this, penetrating by its branches every part of the Union, acting by command and in phalanx, may, in a critical moment, upset the government. I deem no government safe, which is under the vassalage of any self-constituted authorities, or any other authority than that of the nation, or its regular functionaries. What an obstruction could not this bank of the United States, with all its branch banks, be in time of war? It might dictate to us the peace we should accept, or withdraw its aids. Ought we then to give further growth to an institution so powerful, so hostile?"

These general considerations are then followed by cogent arguments *ad hominem*. "That it is hostile we know, 1. From a knowledge of the principles of the persons composing the body of directors in every bank, principal, or branch; and those of most of the stockholders. 2. From their opposition to the measures and principles of the government, and to the election of those friendly to them: and 3. From the sentiments of the newspapers they support. Now, while we are strong, it is the greatest duty we owe to the safety of our constitution, to bring this powerful enemy to a perfect subordination under its authorities. The first measure would be to reduce them to an equal footing only with other banks, as to the favours of the government. But in order to be able to meet a general combination of the banks against us, in a critical emergency, could we not make a beginning towards an independent use of our own money, towards holding our own deposits in all the banks where it is received, and letting the treasurer give his draft or note, for payment at any particular place, which, in a well conducted government, ought to have as much credit as any private draft, or bank note or bill, and would give us the same facilities which we derive from the banks?" It seems probable that this hint suggested the plan thrown out by president Jackson, when he first stated his opposition to the last bank of the United States. But the public danger from such an institution, on which Mr. Jefferson's hostility rested yet more than on its supposed unconstitutionality, appears to have been egregiously overrated by

him. The power of so wealthy a corporation, using all its money in loans, and able by its high credit, so to multiply its money, would indeed be formidable, if it were possessed of a monopoly; but as its privileges are shared with other banks, and as those created by the states are every where equal, or superior in wealth to the branches of the United States bank, its power of doing mischief is almost neutralized, while that of rendering facilities to commerce remains. It would seem to furnish a conclusive argument against the imagined extent of their power, that it was not sufficient in 1811 to preserve its own existence; and that its successor, with far more ample means and resources, and directed, according to its enemies, with an unexampled unity and energy of purpose to this single object, has not been a whit more capable of self-preservation.

The president had, during the session, communicated to both Houses a digest of the information which the executive had been able to procure relative to Louisiana, as to its physical and political state. In the geographical account of upper Louisiana, and a supplement to it on the 29th of November, it was therein stated on the authority of traders who had visited it, that one thousand miles up the Missouri, there was a salt mountain, which was said to be eighty miles long and forty-five wide, composed of solid rock salt, without any trees or even shrubs on it. As so anomalous a physical fact was at once assumed to be fabulous, such an evidence of Mr. Jefferson's credulity soon became a favourite topic of argument or ridicule with his adversaries; and, for a long time, the salt mountain, dry docks, and mammoths, of the continued existence of which he had, in his notes, hinted the probability, were by-words of reproach in the mouths of the federalists. And though these attacks failed to weaken the affection of the people, or to lessen their confidence in Mr. Jefferson's capacity as a statesman, his letters show that they gave no small annoyance to himself. He writes to Captain Lewis (January 13, 1804)—“I now inclose you a map of the Missouri as far as the Mandans, 1200 or 1500 miles, I presume, above its mouth. It is said to be very accurate, having been done by a Mr. Evans, by order of the Spanish government;

but whether he corrected by astronomical observation or not, we are not informed. I hope this will reach you before your final departure. 'The acquisition of the country through which you are to pass has inspired the public generally with a great deal of interest in your enterprise. The enquiries are perpetual as to your progress. The feds alone still treat it as philosophism, and would rejoice in its failure. Their bitterness increases with the diminution of their numbers and despair of a resurrection. I hope you will take care of yourself, and be the living witness of their malice and folly.'

On the 27th of March, 1804, Congress adjourned. One of the subjects which had most engaged their attention, was the amendment to the constitution of the United States, concerning the mode of electing a president. The alteration was vehemently opposed in both Houses by the Opposition, but was finally carried by the requisite vote of two-thirds in both Houses. The change was opposed on the ground that it would, by means of party intrigue, favour the election of a vice-president, who would be unfit to discharge the office of president; that the election by the House of Representatives might not be expected to be of frequent recurrence, and when it was, if they should choose the person who was least fit, it would be a salutary warning to both parties to bestow their votes, in all cases, only on persons properly qualified; that a change of the constitution was itself an evil, and was likely to prevent the veneration which time, and time alone confers; and that it was better to submit to a partial evil, than risk one yet greater in an untried experiment. These speculative mischiefs were not allowed to prevail against the repetition of the very agitating scene which had lately taken place; and although the alteration was not sufficient to prevent a subsequent election by the House in 1835, yet it must be admitted that its recurrence is much less probable now than formerly; and when it does occur, the election must always devolve on one whom a large portion of the people have preferred as president.

Judge Pickering, who had been impeached at the preceding session for intemperance, was tried at this session, and removed

from the bench; and articles of impeachment were also preferred against Judge Chase, of Maryland, for illegal, oppressive, and arbitrary conduct, in his judicial character.

At this session the law of naturalization was replaced on its original footing, by which a residence of five years only was required, instead of fourteen. This law was particularly acceptable to the Irish, who had constituted, of late years, by far the most numerous class of emigrants, and most of whom, by taking a livelier interest in the political concerns of the country than any other foreigners, are more desirous of the privileges of citizenship.

The claims under the Yazoo purchasers now again furnished materials for controversy and debate, the more animated, as the parties for and against them were nearly equal. The first consisted partly of those who believed that the principles of public faith required that the grant by the legislature of Georgia should be ratified, however corrupt may have been the motives of the members who voted for it, especially when on the faith of its acts, those who were parties to the fraud had been able to impose on innocent purchasers; and partly of those, who, not admitting the strict legal validity of those claims, thought it politic and expedient to compromise them, and thus end an otherwise interminable source of complaint out of Congress, and of vexatious controversy in it. The opponents, on the other hand, insisted that those claims having originated in a course of fraud and corruption, as alarming by its magnitude as it was odious by its baseness, ought to receive no countenance whatever from Congress. That the purchasers who had no knowledge of the corrupt means practised on the legislature of Georgia, if there were any such, could receive no better title than the original perpetrators of the fraud could convey, according to the settled maxims of jurisprudence, and that for the injury they had sustained, they should look for redress to those who had deceived them, rather than to the people of Georgia, or their assignees, the people of the United States: and lastly, that to give a sanction to claims which had

originated in fraud, and which the law had annulled, would be as repugnant to policy as to justice.

The subject was finally postponed on the 10th of March, 1804, after several votes, which showed an almost equal strength of parties, by a vote of 59 to 49.

On the 31st of October, 1803, Captain Bainbridge, of the Philadelphia frigate, while in pursuit of a Tripolitan cruizer, struck on a rock off the Barbary coast, when, being boarded by the boats of the Tripolitans and unable to make any resistance, they were obliged to surrender prisoners of war. This disaster was communicated by the president to Congress on the 20th of March, 1804.

At this period Mr. Jefferson's administration was at the meridian of its popularity, and an unexampled quiet reigned over the land. The fear of war, which had recently been so lively, had now vanished. The fury of party spirit, if not extinguished, was nearly hushed into silence. The federal party, which a few years since seemed to constitute the whole of the nation, and which certainly constituted a majority, seemed like a generation that had passed away; and one wondered whether they were merely lying on their oars until a favourable opportunity was presented of renewing the contest for power, or they had become gradually transferred into the party they had so lately hated and reviled. They certainly gave little sign of life or motion, except in some harmless gibes at Mr. Jefferson's philosophy, or in the impotent vituperations of a few federal prints, of which one after another died a natural death, for want of the aliment which first called them into existence. The calm, however, was a deceitful one, and even then causes were at work which greatly agitated the last years of his administration, both in its domestic and foreign relations.

The sketch which Mr. Jefferson drew of the condition of the republican party at this time, in a letter to Mr. Gerry, is believed not to be far from correct.

"In the middle and southern states," he remarks, "as great a union of sentiment has now taken place as perhaps is desirable. For as there will always be an opposition, I believe it had better be

from avowed monarchists than republicans. New York seems to be in danger of republican division; Vermont is solidly with us; Rhode Island with us on anomalous grounds; New Hampshire on the verge of the republican shore; Connecticut advancing towards it very slowly, but with steady step; your state only uncertain of making port at all. I had forgotten Delaware, which will be always uncertain, from the divided character of her citizens."

The preceding letter was dated on the 3d of March, 1804, and a few weeks afterwards he received information from Mr. Granger, the post-master general, that there was a federal scheme on foot for forming a coalition between the two parties in the seven states north of Pennsylvania, which Mr. Jefferson thus explained: "The federalists know that, *nomine co nomine*, they are gone forever. Their object, therefore, is how to return into power under some other form. Undoubtedly they have but one means, which is to divide the republicans, join the minority, and barter with them for the cloak of their name." He shows that the republicans who joined in this coalition would be merged in the federal party, and should they afterwards quit that party, they would find that all the venal had become associated with them, and would give them a majority sufficient to keep them in place, and to enable them to eject the heterogeneous friends by whose aid they got again into power. These schemes, however, if they did exist, proved abortive, and Mr. Jefferson continued some time after this to gain friends in New England, as well as in other parts of the Union.

In the midst of this course of public prosperity and popular favour, he sustained a heavy domestic affliction in the loss of his youngest daughter, Mrs. Eppes, a lady whose gentle virtues and rare beauty won the admiration and regard of all who knew her; and whose loss must have been proportionally felt by so affectionate a parent. He speaks of it in a letter to his friend Governor Page most feelingly. "Others," he says, "may lose of their abundance, but I, of my wants have lost even the half of all I had. My evening prospects now hang on the slender thread of a single life. Perhaps I may be destined to see

even this last cord of parental affection broken. The hope with which I had looked forward to the moment, when, resigning public cares to younger hands, I was to retire to that domestic comfort from which the last great step is to be taken, is fearfully blighted."

This misfortune afforded an occasion for a letter of condolence from Mrs. Adams, who had had an opportunity of seeing Mrs. Eppes, and appreciating her worth, both while Mr. Adams was president and vice-president; and the way was thus paved to a renewal of the ancient friendship between these patriarchs of the revolution. Mr. Jefferson was induced on the present occasion, when all feelings of pride were subdued, and when he felt the littleness and vanity of worldly concerns, to make the first advances. Yet it was only by perseverance on his part in the same kindly feelings, that the alienation produced by personal competition, added to party conflicts, was removed. After expressing the strongest sentiments of gratitude for Mrs. Adams's kindness to his daughter, as well as his own personal esteem, he says, "Mr. Adams's friendship and mine began at an early date. It accompanied us through long and important scenes. The different conclusions we had drawn from our political reading and reflection, were not permitted to lessen mutual esteem; each party being conscious they were the result of an honest conviction in the other, like differences of opinion existing among our fellow citizens, attached them to one or the other of us, and produced a rivalry in their minds which did not exist in ours. We never stood in one another's way, for if either had been withdrawn at any time, his favourers would not have gone over to the other, but would have sought for some one of homogeneous opinions." He adds, however, "that one act of Mr. Adams, and one only, gave him personal displeasure, and that was his last appointments to office from among Mr. Jefferson's most ardent political enemies, from whom no faithful co-operation could be expected; and it laid him under the embarrassment of acting through men whose views were to defeat his, or to encounter the odium of putting others in their places." He assures her in conclusion, that, without knowing how his overtures may be received, he felt relief

in thus unbosoming himself; and that the injury which his private friendships have sustained had been a heavy price for what had never given him equal pleasure.

On the 1st of July Mrs. Adams answered this letter, and, referring to the money which Mr. Jefferson had paid to Callender, while he was employing his pen in publishing libels against Mr. Adams, says, that one of the first acts of his administration was to liberate a wretch who was then paying the penalty of one of these libels. She adverts also to an act of personal unkindness on the part of Mr. Jefferson. He defends himself against both charges. He avers that the money paid to Callender was a mere charity, his poverty and political persecution having recommended him to notice; that he disapproved of Callender's scurrilities, and would have been more liberal in his remunerations had he written nothing after the Political Progress of Britain; that he had no more concern in this writer's calumnies than Mr. Adams in those of Porcupine or Fenno against himself; that he was incapable of that base warfare, and supposed Mr. Adams so; and whatever he may have thought of the acts of the administration of that day, he had always borne testimony to Mr. Adams's personal worth. He justified himself for the liberation of the individual alluded to, in common with all others punished under the sedition law, because he considered that law "a nullity, as absolute and palpable, as if Congress had ordered us to fall down and worship a golden image." He disclaims all knowledge of the particular act of unkindness alluded to, and declares that he never did one "with an unkind intention."

Mrs. Adams replied to this letter on the 18th of August, in which she informs him that the act referred to was the removal of her eldest son from some office, to which the judges had appointed him; and she, in reference to the sedition law, thought that it devolved on the judges to decide on its validity.

He assures her in his answer of the 11th of September, that he had not before known that her son was a commissioner of bankruptcy, which he presumes was the office he held; that the first bankrupt law permitted the judges to name the commissioners for each case, and as the judges, being federal, had con-

finer their appointments exclusively to federalists, the legislature had, on this account, transferred the nomination to the president. The object in passing the law being that he "should correct, not confirm, what was deemed the partiality of the judges," he thought it proper to inquire not whom they had employed, but whom he ought to appoint; that in making the appointment, he put in a full proportion of federalists, and had he known that her son had acted, he would with pleasure have included him, both from a knowledge of his integrity, and from his dispositions towards herself and Mr. Adams.

He denies that the judges have any right to decide constitutional questions for the executive, more than the executive has to decide for them. "The judges," he remarks, "believing the law constitutional, had a right to pass a sentence of fine and imprisonment; because the power was placed in their hands by the constitution. But the executive, believing the law to be unconstitutional, were bound to remit the execution of it; because that power has been confided to them by the constitution. That instrument meant that its co-ordinate branches should be checks on each other; but to give one a right to control the other, not only in its own sphere of action, but in their respective spheres, would make it despotic. That this construction of the constitution would not give impunity to slander, as the power to punish it is amply possessed by the states." He thus concludes in a strain equally creditable to his good sense and his feelings:

"The candour manifested in your letter, and which I ever believed you to possess, has alone inspired the desire of calling your attention, once more, to those circumstances of fact and motive by which I claim to be judged. I hope you will see these intrusions on your time to be, what they really are, proofs of my great respect for you. I tolerate with the utmost latitude the right of others to differ from me in opinion without imputing to them criminality. I know too well the weakness and uncertainty of human reason to wonder at its different results. Both of our political parties, at least the honest part of them, agree conscientiously in the same object, the public good; but they differ essentially in what they deem the means of pro-

moting that good. One side believes it best done by one composition of the governing powers; the other, by a different one. One fears most the ignorance of people; the other, the selfishness of rulers independent of them. Which is right, time and experience will prove. We think that one side of this experiment has been long enough tried, and proved not to promote the good of the many; and that the other has not been fairly and sufficiently tried. Our opponents think the reverse. With whichever opinion the body of the nation concurs, that must prevail. My anxieties on this subject will never carry me beyond the use of fair and honourable means, of truth and reason; nor have they ever lessened my esteem for moral worth, nor alienated my affections from a single friend, who did not first withdraw himself. Whenever this has happened, I confess I have not been insensible to it: yet have ever kept myself open to a return of their justice."

While we assent to the reasonableness of his justification, we must yet more approve the generosity and amiableness of disposition which could have prompted him, in the full enjoyment of power and popularity, to make it, and to soothe the feelings of an humbled rival, who, long suspected and hated by one party, had then lost much of the confidence of the other; and who was so far from being able to render a service, that even a friendly correspondence with him was likely to cast a shade of suspicion on himself, with the prejudiced portion of his own party. These advances must also be in part attributed to the sincere esteem which the virtues of Mr. Adams, with all his errors of opinion and foibles of temper, had inspired Mr. Jefferson, and yet more perhaps to the profound respect which he felt for the rarer and more commanding excellence of Mrs. Adams.

In a letter to his friend Mazzei* at this time, he excuses him-

* As this individual has acquired celebrity in the United States by the publication of a letter from Mr. Jefferson, it may gratify curiosity to state that he was an Italian gentleman of good education, who came to this country a little before the revolution, for the ostensible purpose of cultivating the vine, but as some afterwards supposed, to escape from domestic discontent. He brought with him twelve labourers, and began his experiment at a little farm called *Collé*, in Albemarle, which he ob-

self for not having written to him lately, not only by reason of his official duties, but also from the liability of his letters to miscarry, he opened, and made an ill use of." "Although," he says, "the great body of our country are perfectly returned to their ancient principles, yet there remains a phalanx of old tories and monarchists, more envenomed, as all their hopes become more desperate. Every word of mine which they can get hold of, however innocent, however orthodox even, is twisted, tormented, perverted, and, like the words of holy writ, are made to mean every thing but what they were intended to mean. I trust little, therefore, unnecessarily, in their way, and especially on political subjects."

Notwithstanding the evidence afforded by this letter, that Mr. Jefferson was dissatisfied with Mr. Mazzei for the publication of his former letter, the gratuitous intimation formerly made that that letter was written with an understanding between the parties that it was to be published, is still repeated by his unrelenting enemies.*

A letter from Mr. Monroe, in the summer, communicated a piece of intelligence which had been secretly conveyed to him, that

tained from Mr. Jefferson by purchase or loan. After he had expended three or four years labour and care on this vineyard, and it seemed to promise well, the time of service of his labourers expired, and they all deserted him, some enlisting as soldiers, others becoming gardeners, &c. to gentlemen in the neighbourhood. The war having put an end to all foreign intercourse, they could not be replaced from Europe, and his project was necessarily suspended. He rented Coll. to General Reidösel, whose horses, in one week, destroyed the labour of three or four years.

While in the prosecution of this scheme Mrs. M—— arrived, to the great annoyance of her husband, who complained that "he had given her three-quarters of the world, and she would not allow him the other." They however lived together until her death, after which he returned to Europe, and married again. He there acquired property by his marriage or a legacy, and recollecting Mr. Jefferson's former kindness, and probably knowing his frequent pecuniary wants, lent him 10,000 dollars, on interest, which transaction formed the subject of the suppressed part of the celebrated letter; and had it not been for this loan, all correspondence between them had long before ceased, and this source of party obloquy had never existed.

* See *Familiar Letters*, 112. *Hist. of Hartford Conn.* p. 36.

France and England were likely to combine for the purpose of repossessing France of Louisiana, and Great Britain of the United States. Mr. Jefferson, in noticing the affair to Mr. Madison, treats it as an idle vision. He pronounces it "impossible for France and England to combine for any purpose—their mutual distrust and deadly hatred not admitting of co-operation." Neither, he thinks, would be willing to see the other repossessed of the territories of which it had been divested, and though they were, it would be impossible for Great Britain to regain her dominion in America. He however thought that our conduct to both nations should be such that each might see unequivocally, that we could be brought by the unjust conduct of the one, to throw our weight in the scale of the other. He deemed it expedient to put an end to the right of France to patronize the rights of Louisiana, which would cease when it was admitted into the Union; and said he hoped to see that take place at the next meeting of Congress; and, noticing British insults in our harbours, remarked, that "they must be prevented at every hazard, as essential to our character, both as a neutral and an independent nation."

It is amusing at the present day to read and compare the various speculations to which the acquisition of Louisiana by the United States gave rise, both as to its immediate and remote consequences; and a country which, when under the dominion of Spain, had not attracted notice, did as soon as it changed masters, excite the same wondering and anxious interest as if it had suddenly emerged from the ocean. We have already seen what jealous apprehensions its cession to France caused to the people of the United States, as threatening their future peace, and as likely to lead them, contrary to their settled policy, into a close alliance with Great Britain. But the British ministry, looking at the same result, were so desirous of preventing further cause of dissatisfaction at the peace they had recently made with France, that they affected to make light of her new acquisition, and to attach more importance to the contingent political advantage to England than to the certain and immense increase of the power and influence of France. Lord Hawkesbury, the English secretary for foreign affairs, said, in defending the treaty of

Amiens, "As to the political advantages which France will derive from the possession of Louisiana, I doubt whether they are of much importance. Gentlemen have said a great deal about the influence which this possession threatens to give France over the United States of America, but the possibility is, that the possession, by placing the French upon the back of America, on every maxim of sound policy, will incline the latter to cultivate a more intimate connexion with this country."

Very many politicians of the United States considered such a great extent of country as the United States comprehended with this large accession, as incompatible with a single government, and that a separation, always apprehended from the western states, would be hastened and facilitated by this purchase. Mr. Jefferson seems to suppose this not an improbable result, and with his usual disposition to look at things on their bright side, considers it not as a serious evil. Besides what he had last year written to Mr. Breckenridge on this subject, he says in a letter to Dr. Priestley, dated January 29, 1804, after speaking of the acquisition of Louisiana, "Whether we remain in one confederacy, or form into Atlantic and Mississippi confederacies, I believe not very important to the happiness of either part. Those of the western confederacy will be as much our children and descendants as those of the eastern, and I feel myself as much identified with that country, in future time, as with this; and did I now foresee a separation at some future day, yet I should feel the duty and the desire to promote the western interests as zealously as the eastern, doing all the good for both portions of our future family which should fall within my power."

The northern and New England politicians considered that the more immediate effects of the purchase would be to lessen their relative weight in the councils of the confederacy; but on the other hand, Mr. Gouverneur Morris regarded Louisiana as the future rival of the southern states, and consequently the natural ally of the northern states; "so that "unless they were wanting to themselves, this southern domain, instead of reducing the northern and eastern states to be mere ciphers, may render

them arbiters, in other words, rulers of this Union."* Time has shown the fallacy of most of these views. The Union has been rather strengthened than weakened by the purchase, as the navigation of the Mississippi, which is so important to the western states, is now placed beyond all danger of interference from a foreign power; and the whole territory of the Union, at least the portion east of the Rocky Mountains, seems now as susceptible of one general government for limited objects as the thirteen original states were ever thought to be. Nor is there the least vestige of the local jealousy which Mr. Morris apprehended, the only case in which there has been any collision of votes with the south, or co-operation with the north, is in the case of the tariff, and this, it must be recollected, did not arise from any rivalry in their staple products, but on account of an article, sugar, which they grow exclusively. On all other questions, and in the presidential elections, the vote of that state has been with the south. Had they been cotton and rice planters alone, as Mr. Morris assumed, then their vote would have been with the south even on the tariff.

Nor is it probable that the consolation which Mr. Jefferson derives, in case of a separation of the states from those having a common descent, would prove a very strong one, if we consult the past history of mankind. Occasions of controversy and war are perpetually arising between neighbouring nations, whether they have a common or a different origin, and no wars are more furious and bitter than those which arise between kindred nations. It is between them as between individuals, the recollection of the former affinity is likely to make them feel more keenly the acts of hostility they experience, and to produce an aggravated resentment—the wrong is doubly a wrong when it proceeds from one on whom we have a claim for kindness and forbearance.

With that feeling of gratitude towards La Fayette in which he but anticipated the American people, the president had intended to offer the government of Louisiana to him, but considerations of delicacy prevented his nomination. The office was given to Mr. W. C. C. Claiborne, who had been recently Governor of the Mississippi Territory, and whose services in taking pos-

* Life of Gouverneur Morris, III. p. 206.

session of New Orleans had been highly acceptable to the administration.

The war with Tripoli still continuing, a squadron of five frigates sailed from the Chesapeake on the 1st of July for the Mediterranean, under the command of Commodore Preble, his predecessor, Commodore Morris, having been recently tried by a court-martial for inactivity and broke. Under the auspices of the new commander, the naval character of the country was amply redeemed. It was here that the gallant Decatur first acquired that renown which he ever afterwards sustained, and which placed him the highest in the public favour among a class wherein all stood high. As captain of the ketch Intrepid with a small detachment of men, he attacked, in the harbour of Tripoli, and destroyed a frigate of 44 guns. The vigour and energy now displayed by the American squadron soon brought the bey to reasonable terms, and peace was restored.

Congress assembled on the 5th day of November, and on the 8th, the president sent in his opening message. He stated that since the war which had been recently rekindled in Europe, the interruptions to our commerce, in distant parts of the world, had been less than on former occasions, but that they had been greater in the American seas; and that even in our own harbours, there had been serious infringements on the authority of our laws. He at the same time suggested that we should also guard against the violations of neutrality of our own citizens, by arming merchant vessels, and forcing a commerce in some countries, in defiance of their laws—herein alluding to a trade with St. Domingo, of which the French minister had complained. He remarked, that Spain having misunderstood the object of a port of entry on the Mobile, established by the United States, had suspended the ratification of the convention of 1802, but it was expected that the explanations she had recently received would prove satisfactory to her. The objections she had made to the Louisiana treaty had been withdrawn. Our foreign relations with the European powers and the Barbary states were noticed in succession, and those with the Indians on both sides of the Mississippi, and which were altogether pacific, were given more in detail. Instead of an enlargement of military

force, he proposes an enlargement of the capital employed in their commerce, as the most efficient, as well as the cheapest mode of preserving peace with them. He adverts to the act of Congress of February, 1803, for building gunboats; dwells on the advantages of that species of armament, and strongly recommends their increase, until a sufficiency for the defence of all the important harbours should be provided. A favourable account of the finances is again exhibited. The receipts in the treasury for the year had been 11,500,000 dollars, from which 3,600,000 dollars had been paid in discharge of the debt.

Mr. Jefferson's views on the protection of the harbours, as well as the efficiency of gunboats, and the extent to which he proposed to use them were fully disclosed to Mr. Nicholson of Maryland, chairman of the committee to whom the subject was referred.

Concerning fortifications, he remarks, that the plans and estimates of those required for our principal harbours, made fifty millions of dollars necessary for their completion. It would require 2000 men to garrison them in peace, and 50,000 in war. When thus completed and manned, they would avail but little, as all military men agree that when vessels might pass a fort without tacking, though it may annoy, it cannot prevent her. Two modes of effecting the same object might be "adopted in aid of each other." 1. Heavy cannon on travelling carriages, with militia trained to the management of them. 2. Floating batteries or gunboats. There were, he estimated, fifteen harbours in the United States needing and deserving defence. They would require 250 gunboats. The cost of these had been estimated at 2000 dollars each, but he puts it down at 4000, amounting in all to 1,000,000 dollars. Such of them as were kept under a shelter, ready to be launched, when wanted, would cost nothing more than an inclosure, or centinel; those that were afloat, with men enough to take care of them, about 2000 dollars a year each; and those fully manned for action, about 8000 dollars a year. He thought twenty-five of the second description enough, when France and England were at war. When at war ourselves, some of the third description would be required, the precise number depending on circumstances. There were ten

then built and building, and fifteen more it was thought would be sufficient to put every harbour into a respectable state of defence. Congress, neither fulfilling the wishes of the president, nor altogether resisting them, gave the president the means of partially trying his favourite scheme, by the appropriation of 60,000 dollars.

The sufficiency of this species of naval defence occasioned a good deal of discussion about this time between the opponents and the supporters of the administration. A navy had been vehemently opposed by the republican party during Mr. Adams's presidency, as altogether unsuited to the means of the United States, as inadequate to its defence, and more injurious to their commerce by involving the country in war, than by any protection it could afford. In the meanwhile, the insults to which our merchant ships and seamen were exposed on the ocean, and sometimes experienced even in sight of their own coasts and harbours, made the commercial states call aloud for some measures of protection. It is probable that these circumstances had an influence of recommending this cheap marine, which promised some defence to our harbours and coasts, and which at the same time did not subject the party in power to the charge of inconsistency. The smallness of its cost would be a strong recommendation with Mr. Jefferson, who was very desirous of relieving the country from a debt which was seven times as great as the whole national revenue, and more than twenty times as great as the money which could be annually spared towards its discharge, in time of peace. But the scheme was vehemently assailed by his adversaries in every form of argument and ridicule, and was triumphantly adduced as a further proof that he was not a practical statesman. The officers of the navy were believed to be, with scarcely an exception, opposed to the system of gunboats, especially those who were assigned to this service, partly because it was found to be personally very uncomfortable, and yet more, perhaps, because the power they wielded was so inferior, and their command so insignificant, compared with that to which they had been familiarized. It was like compelling a proud man to give up a fine richly caparisoned charger for a pair of panniers and a donkey.

To stem the current of public opinion, which, so far as it was manifested, set so strong against these gunboats, and to turn it into their favour, Mr. Jefferson prevailed on Paine, who had since his return, been addressing the people of the United States on various topics, through the newspapers, to become their advocate. He set about it with his wonted self-confidence and real talent in enforcing his views, and proceeded to show that a gun from a gunboat would do the same execution as from a seventy-four, and cost no more, perhaps less; but that a ship, carrying seventy-four guns, could bring only one half to bear on an enemy at once, whereas if they were distributed among seventy-four boats, they could all be equally effective at once. In spite of this logic, the public, pinning its faith on experienced men, remained incredulous; and when, soon afterwards, many of the new marine were driven ashore in a tempest, or were otherwise destroyed, no one seemed to regard their loss as a misfortune, and the officers of the navy did not affect to conceal their satisfaction: nor has any attempt been since made to replace them.

That they cannot answer all the purposes of ships at sea or even in smooth water, for transportation or defence, seems not to be questioned; but that they may be highly useful in defending harbours, and attacking ships in shallow water, is shown by the practice of the most maritime nations of Europe. And the error of Mr. Jefferson was not, as his enemies charged, in adopting a visionary scheme of defence, but in limiting his views from a motive of economy, to the protection of the harbours, and in leaving his country's commerce and seamen, on the ocean, defenceless.

Early in December, the House, according to its determination at the last session, proceeded to prepare articles of impeachments against Samuel Chase, one of the judges of the supreme court, and to appoint managers on the part of the House. These were Messrs. John Randolph, Rodney, Nicholson, Early, Boyle, and Nelson; and on the 10th they proceeded to the trial. The articles of impeachment, eight in number, were as follows:—1. That he conducted himself in the trial of John Fries of Pennsylvania, charged with treason, in “a manner highly

arbitrary, oppressive, and unjust." 2. That with a view to effect the conviction of John Thompson Callender, charged with a libel, he had overruled the objection of one of the jurors, who alleged that he had made up his mind on the case, and ought to be excused from serving. 3. That he had improperly excluded the evidence of John Taylor. 4. That his whole conduct on that trial, was marked by "manifest injustice, partiality, and intemperance." 5. That he had illegally issued a *capias* against the body of Callender, instead of a summons. 6. That he illegally ruled Callender into trial at the first term after he was presented by the grand jury. 7. That in the state of Delaware, in June 1800, he had descended from the dignity of a judge, and stooped to the level of an informer, by refusing to discharge the grand jury, and bringing to their notice the printer of a newspaper in Wilmington. 8. That at a circuit court, in Baltimore, in May 1803, he addressed the grand jury for the purpose of delivering to them "an intemperate and inflammatory political harangue, with intent to excite the fears and resentment of the said grand jury and of the good people of Maryland, against their state government and constitution."

On the 2nd of January, 1804, the accused appeared at the bar of the senate, and asked to be allowed to the first day of the next term to put in his answer. The request being considered on the following day, and refused, the 4th of February was fixed for him to answer the charges, by a vote of 22 to 8. A replication in form was made to his answer, and on the 7th the senate proceeded to the trial. From that time until the 20th the court was engaged in the examination of witnesses, and on that day the argument was opened by Messrs. Early, Campbell, and Clark,* on the part of the managers. They were replied to by Messrs. Hopkinson, Key, Lee, and Martin, the counsel for the accused, and Messrs. Rodney, Nicholson, and Randolph, the other managers, closed the argument on the 27th.

The trial excited great interest throughout the country, and public attention was suspended as to every other object, to con-

* This gentleman had been substituted for Mr. Nelson, who had asked to be excused.

centrate on this. The vice-president, who had for some time given indications that the alienation between him and his old friends was mutual, obtained the loud commendations of the federal party for the dignity, ability, and impartiality with which he conducted the trial.* It was the award of public opinion that there was far greater ability shown in the defence than in the accusation; and of those engaged in the former, the palm was by all conferred on Mr. Luther Martin of Maryland, who sifted each specification of the several charges to the bottom, and exhausted every argument of refutation. On the first of March the court decided on the articles *sciatim*, and each member answered to each charge separately.

He was pronounced not guilty by 18 of the 34 members on the first charge; by 24 on the second; by 16 on the third; by 16 on the fourth; by all on the fifth; by 28 on the sixth; by 24 on the seventh; and by 15 on the eighth; so that there being not two-thirds of the votes on any one charge, he stood acquitted of all.

The disappointment felt at the result of this impeachment by those who had been most zealous in prosecuting it, was manifested on more than one occasion. On the afternoon of the same day that the sentence of acquittal was pronounced, Mr. Randolph, by resolution, proposed an amendment to the constitution, by which any federal judge should be removed on the joint ad-

* This individual, who had talents enough to elevate him, in spite of his moral obliquities, but not enough to sustain him, finding he had lost the confidence of the republicans, and would not again receive their votes either as president or vice-president, had, in the spring of the preceding year, been a candidate for the office of Governor of New York; and his present feelings atoning, in the eyes of the federalists, for his former errors, he in general received their votes. He was not elected, and his failure was in part attributable to General Hamilton, who, refusing to concur with his party, exerted all his influence against their candidate. Some of his strictures on Burr's character, afforded the latter an occasion for sending him a challenge: a duel ensued on the 11th of July, when Hamilton received a wound of which he died the next day. For this act, which inflicted the severest blow ever sustained by the federalists in the loss of a partisan, he also found forgiveness in their predominant hatred of the ruling party.

Congress of both Houses of Congress; and the resolution was carried by 68 votes to 33.

A second amendment was then proposed by Mr. Nicholson, by which the seat of any senator of the United States might be at any time vacated by a vote of the legislature of his state. This proposition was referred to a committee of the whole, by 53 votes to 46; and both resolutions were made the order of the day for the first day of the next session. Neither of them, however, was definitely acted on.

The bill too which was introduced into the House of Representatives for the payment of the witnesses on the trial, limited the appropriation to those who were summoned on the part of the United States; but the senate, having by amendment, extended it to the witnesses summoned by the accused, and each House adhering to its first vote, the bill was lost. On the last day of the session it was moved that the witnesses in support of the impeachment should be paid by the clerk of the House out of its contingent fund, but no decision on it could be obtained for want of a quorum. At the next session, in an amendment to a bill from the senate, the House manifested the same disposition by a smaller majority, but receded from it, on a conference, and thus the bill was finally passed for paying all the witnesses indiscriminately.

In consequence of a motion in the senate calling for information, the president on the 31st of January communicated a letter from the British minister at Washington and the French *chargé des affaires*, complaining that American merchant ships had armed and sailed from the ports of Baltimore and Philadelphia, for the purpose, as it was supposed, of forcing a contraband trade, especially with St. Domingo. These complaints suggested an act by which all commercial intercourse with that island was for a time suspended.

The other subjects which principally engaged the attention of the legislature at this session were, the acts providing severally for the government of the territory of New Orleans and the District of Columbia, in consequence of memorials from the inhabitants of Louisiana. An amendatory act concerning the

Yazoo claims, and a resolution for appointing three commissioners to receive propositions of compromise from the claimants, within the limits prescribed by the convention with Georgia, after a warm debate of several days, passed by 63 votes to 58.

With this session closed Mr. Jefferson's first presidential term, in which time he had, by a steady course of economy, reduced the public debt more than twelve millions, though he had at the same time lessened the taxes, and a host of revenue officers: Had doubled the area of the United States, averted the danger of war both with France and Spain, chastised the Tripolitans, and made war with Algiers and Tunis: Extinguished the title to a large and valuable tract of Indian lands, and promoted civilization among them. For thus promoting the national prosperity he was rewarded by the national favour, notwithstanding the unceasing virulence with which he had been assailed, as was evinced by the fact that he received a greater number of votes at the present election than in that of 1801.

CHAPTER VIII.

The President's Inaugural Address. Discontent of Spain. Eaton's success against Tripoli. Mr. Jefferson's account of the Climate of America. Complaints of the Trade with St. Domingo. Schisms in the Republican Party. Message to Congress. John Randolph. Relations with Spain. Views of Parties. Appropriation for the purchase of Florida. The course pursued by the Administration assailed and defended. Interruptions to American Commerce by Great Britain. Impressment. Non-intercourse, and other plans of retaliation. Non-importation Act. Trade with St. Domingo prohibited. Cumberland Road. Importation of Slaves. Removal of Judges. Expedition under Lewis and Clark. State of Parties.

1805—1806.

ON the 4th of March, 1805, Mr. Jefferson, then in his 62nd year, delivered an address to both Houses of Congress on the commencement of his second presidential term. He reminds them of the declarations, when he entered on the office of president four years before, of the principles on which he should administer the government, and that his conscience told him he had acted up to them, according to their fair import. He adverts to the liberal principles pursued in our foreign relations and their success. "We are firmly convinced," he said, "and we act on that conviction, that with nations, as well as individuals, our interests soundly calculated, will ever be found inseparable from our moral duties." He speaks with some exultation of the reduction of taxes and suppression of unneces-

sary offices, and yet with a revenue, which is levied on foreign luxuries and paid by wealthy consumers, is sufficient to defray the expenses of the government, to fulfil contracts with other governments and the Indians; and to afford a surplus sufficient to redeem the public debt within a short period. That the revenue, when thus liberated, may, by a just repartition, among the states, and a correspondent amendment to the constitution, be applied in *time of peace* to "rivers, canals, roads, arts, manufactures, education, and other great objects in each state," and in *time of war*, it may meet all the whole annual expenditure within the year. He suggests that the newly acquired territory will pay for itself before we should be called upon to pay the purchase money. He notices and answers the objection that our territory has thereby been too much enlarged. He speaks of the condition of the Indian tribes as imposing new duties both on our justice and humanity—says that being now reduced within limits too narrow for the hunter's state, they should be taught agriculture and the domestic arts, and thus be prepared for civilized society; that their own prejudices present great obstacles to this change, for they too "have their antiphilosophers," who dread reformation.

In presenting the foregoing outline of his administration, he disclaims arrogating to himself the merit of the measures, which, he says, is due to the character of his fellow-citizens, their representatives in Congress, and his associates in the executive department. Adverting to the virulence of the press against him, he says that the punishment of the offenders had been left altogether to the public indignation; that the experiment thus made, whether "freedom of discussion, unaided by power, was not sufficient for the protection and propagation of truth, had proved successful;" that our fellow-citizens when called to decide the question by their suffrage, "had pronounced their verdict, honourable to those who had served them, and consolatory to the friend of man, who believes he may be entrusted with his own affairs." He disclaims making any objection to the laws of the states against defamatory publications, which he thinks may exercise a salutary coercion; and in allusion to the sedi-

tion law, says that they draw the only definite line between the inestimable liberty of the press and its demoralizing licentiousness. "If," he remarks, "there is any impropriety which the state laws cannot reach, the defect may be supplied by the censorship of public opinion." He congratulates the country on the union of sentiment lately manifested, and anticipates that those who have not yet rallied to the same point, have an increasing disposition to do so; in the meantime, forbearance is inculcated. He speaks with confidence of the principles which will govern him in his future administration. He is sensible of no passion which could "seduce him knowingly from the path of justice, but being liable to err from the weakness of human judgment, he should need their continued indulgence, and not the less for his increasing years."

This address was so generally vindictory of the principal measures of his administration, as to prove that the attacks of his adversaries had left a soreness behind them, and that he deprecated the impression they tended to make on the minds of his countrymen. It may, indeed, be seen throughout his life that his desire of their esteem, for its own sake, was far stronger with him than for the power or any other benefits it could confer.

He thus speaks of this address in his reply to a complimentary letter received from Judge Tyler of Virginia, a short time afterwards: "The first [inaugural address] was, from the nature of the case, all profession and promise. Performance, therefore, seemed to be the proper office of the second. But the occasion restricted me to mention only the most prominent heads, and the strongest justification of these in the fewest words possible. The crusade preached against philosophy by the modern disciples of steady habits, induced me to dwell more in showing its effect with the Indians than the subject otherwise justified."

In the interval between his inauguration and the meeting of Congress in December, he twice sought relief from the cares and labours of his station by visiting Virginia. He devoted a portion of the time he there spent to his miscellaneous correspondence, which was very various and extensive. In his last visit,

in the autumn, he extended his journey to Poplar Forest, where he had a large tobacco plantation. But a superintendence so partial, and so frequently intermitted, was not likely to counteract the disadvantage incident to every estate worked by slaves, on which the owner does not reside; and this part of his property, whence his chief income was derived, and which ought to have been profitable, seldom yielded him much. In a year of bad crops, or low prices, the consequent deficiency was supplied by a sale of part of the land itself, and in this way, several portions were detached to make snug farms for more thrifty neighbours. But though he seldom found much here to reward his efforts or encourage his prospects in husbandry, he was surrounded by his grandchildren, and in their society, he seemed to be completely happy.

He returned to Washington in October; and perhaps he never felt so forcibly the transition from rural quiet and the pure pleasures of domestic intercourse to the feverish anxieties of the statesman, as on the present occasion. His course during the first four years that he had held the helm, had been singularly prosperous; and if he had not always met with a smooth sea, he had been able to continue his course over it by the strong gale of his popularity; but from this time he met with adverse winds and opposing currents which greatly impaired the comfort of the voyage, and in some degree its success.

The foreign relations of the country were beset with difficulties. Besides the vexations to which the commerce of neutral nations is always exposed from maritime belligerents, Great Britain had lately shewn a disposition to restrict the privileges of neutrals to the farthest point for which there could be any plausible pretext, and to assert principles of national law to which the people of the United States would not long submit, and which consequently, if persisted in, would certainly lead to war.

Spain continued to assume an attitude of hostility. She rejected all overtures for adjusting the boundaries of Louisiana; and not only refused compensation for past wrongs, but continued to give fresh provocations. Unless there was an entire change

in her councils, war seemed inevitable, and war with her would but too certainly lead to war with him whose power and genius were formidable even at this distance; for, without laying any stress on the engagements to Spain by treaty, which Napoleon could continue or annul at pleasure, there was but too much reason to believe that the recent course of that nation towards the United States was approved, if it was not actually prompted by the French government. There were also schisms among the republicans in several of the states. According to the ordinary experience in the history of parties, as the pressure of a common enemy grew weaker, the mutual repulsion among its several parts, arising from conflicts of interest or opinion, or mere personal dislikes, began to exhibit its inherent energy. And though the divisions in the states of New York, Pennsylvania and Kentucky had their origin in local causes, and had not yet extended to federal politics, the mischief was not the less certain: for if great strength leads to divisions, these again as certainly produce weakness, by which tendencies, founded in the nature of man, all great parties carry within them the elements of their own destruction, which it requires all the efforts of master spirits to counteract.

A short time before the meeting of Congress, it occurred to the president that the same expedient which, in the purchase of Louisiana, had succeeded so well in settling our former controversy with Spain, might in the purchase of Florida, prove equally successful in settling the existing differences; and that the present was a favourable moment for making the experiment. It was known that France, again at war with Austria, was greatly in want of money to support her overgrown armies; that the supplies which she had hitherto received from Spain had lately ceased, or been intercepted, and consequently that any negotiation by which Spain would be better able to furnish her wanted aid, would be likely to receive the favour and good offices of France. He therefore proposed to enter upon the negotiation at once, and trust to Congress to ratify the compact when made. But it being the opinion of his cabinet that, in a national measure so important as a large accession of territory,

it would be at once the most prudent and most proper course, to obtain the previous sanction of the legislature, as had been done in the case of Louisiana, it was then decided that that course should be pursued; and the secretary of the treasury was requested to prepare a plan of raising the necessary funds and of transmitting them to Europe.

Congress met on the 2nd of December, and the next day the President transmitted to both Houses his opening message. He mentions the recent reappearance of the yellow fever in two of our principal cities; which on the present, as on all former occasions, seemed to be strictly local, and not communicable in the country either by persons or goods. He remarks that "its access is with the autumn, and it disappears with the early frosts;" and thinks that the quarantine laws, to which our vessels are subjected, are very burdensome, and that their efficacy merits examination.

He tells them that our foreign relations have been of late greatly changed, our coast infested and harbours watched by private armed vessels; that our ships have been captured in the very act of entering our ports, and plundered at sea; their crews taken out, maltreated, and abandoned. It had therefore been found necessary to equip a force to cruize within our own seas, and bring in the offenders for trial as pirates. He notices also the injuries from public ships, and the interpolation into the law of nations, by which the belligerent denies to a neutral a trade which itself carries on with an enemy.

He says that our negotiation with Spain was not yet terminated. She still refused compensation for former spoliations, on indefensible pretexts; and similar injuries were even then repeated. She still obstructed our commerce on the Mobile, and rejected propositions for ascertaining the boundaries of Louisiana. Outrages had been committed by Spanish authorities within the territories of Orleans and the Mississippi, actually surrendered, until he had found it necessary to give orders for resistance.

Since some of these injuries were to be met by force only, and all of them might lead to it, he recommends preparations

for such a result. He informs them that for the defence of our sea-ports, heavy cannon had already been provided; and suggests a large addition to the number of gun-boats. An organization of the militia was strongly recommended, so that by separating the more active part from the rest, a corps might be drawn from it fit for service, and to be called to it in regular rotation. He states that materials had been provided for seventy-fours, according to former acts of Congress, and a prohibition of the exportation of war-like stores was suggested. He adverts to the peace with Tripoli and consequent liberation of our citizens, and notices the gallant enterprise of Eaton, in behalf of Hamet Caramelli, the ex-bashaw of Tripoli, by which peace with that power was secured. As a reward for the bravery displayed by the navy in the Mediterranean, he recommends that the peace establishment of captains and lieutenants should be enlarged; and that the executive have the power of selecting the species of vessels to be employed, and of assigning to frigates their full complement of men, instead of two-thirds.

He brings to their notice the advancement of the Indians in agriculture and household arts, and the purchases made of them since the preceding session. The expedition of Lewis and Clarke is adverted to, and he informs them that their progress in exploring the principal rivers in the Indian country would be communicated when received; the receipts for the year had been upwards of 13,000,000 dollars, from which 2,000,000 had been paid under the British treaty and convention, and 4,000,000 of the debt, leaving 5,000,000 in the treasury; and that it had not been found necessary to borrow the money authorized at the last session for payment of the claims of our citizens under the French convention.

Three days afterwards he sent a confidential message to Congress on the subject of our relations with Spain, in which he referred to the late convention in Madrid, wherein she agreed to pay for her depredations on the American commerce, and to submit those committed by French cruizers in Spanish ports to future discussion. He informed them that since the cession of Louisiana to the United States her disposition and conduct had un-

dergone a change: that she had protested against the transfer, retracted, had taken offence at the establishment of a collection district on the Mobile, within the limits since acknowledged by herself, and that she refuses to ratify the convention. That he had sent Mr. Monroe to co-operate with the minister resident to negotiate on these points, but she evidently wished to keep the points of controversy unsettled. That our ministers had obtained no indemnity for spoliations nor satisfaction as to boundaries, which she shews a disposition to limit both on the east and the west, until she should be repressed by force. That our officers had been instructed to protect our citizens. That France had promptly declared our demand for French spoliations to be included in the convention with Spain. She, however, agreed with Spain that we had acquired no right east of the Iberville; but there is no evidence that she knew of the hostile attitude of Spain, or approved it. That the present was the favourable moment for pressing a settlement of our claims; that a resort to force to a certain extent might be required in the assertion of our rights, but it was not probable that it would lead to war.

This message was referred to a secret committee, of whom Mr. John Randolph was chairman, and by the proceedings that took place on this message it soon appeared that Mr. Randolph was no longer to be numbered among the supporters of the administration.

This gentleman, by his rare endowments as a public speaker, his fearless denunciation of his opponents, and his habit of urging the principles of his party to extremes, had acquired their confidence in the House of Representatives so far as to obtain the rank of their leader. The same haughty and uncompromising temper, the same power of sarcasm and ready disposition to use it, which, when exerted against the federalists, had been seen with favour by his party, were occasionally brought to bear upon some of that very party, and made him, with many of them, more an object of fear than affection. He had been for several sessions chairman of the committee of ways and means, and in this character he was overbearing and dictatorial with his asso-

ciates—self-willed and impracticable with the executive. He had entered Congress in 1799, when the republicans were in the minority, and it was in the ranks of opposition that he had first acquired fame as a public speaker, and party leader. His talents and temper were indeed more fitted for attaining distinction as a censor, than as a supporter of measures. When, therefore, by the revolution of political power, he was thrown into the majority, and was called upon to defend the administration against the attacks of an able and vigorous opposition, he found himself in a wrong position, and out of his proper element. His wit, which was so ready, brilliant, and cutting, when it was employed for sarcasm or vituperation, was inert in the way of support and defence. Nor had he those business habits, or knowledge of details, or powers of expounding what was intricate or obscure, which his position in the House sometimes required. He felt the disadvantage of his new situation, and sighed* for the occasions he had once enjoyed, which, better suited to the character of his mind and disposition, were more propitious to his fame. As yet his cooled affection towards his party had shown itself only in a general restlessness, and in fits of ill-humour, which might be imputed to a temperament morbidly sensitive, or regarded as the caprices of the spoiled child of his party: and if he did not seem as warmly attached to the republicans as he had once been, he was believed to hate the federalists as cordially as ever.

In this state of things Mr. Christopher Clark, one of his colleagues and warm admirers, conceiving that a mission to Eng-

*The feelings here ascribed to Mr. Randolph, do not rest on mere probability, great as that obviously is. But I remember that on one occasion in Richmond, in an early period of Mr. Jefferson's administration, when Mr. Randolph read to Mr. George Hay and myself a passage from a late novel of Godwin's, (St. Leon, I think,) in which the excitements and the triumphs of a leader of the opposition are very forcibly depicted, and when the remarks that he made and the emotion he exhibited conveyed to both of us the impression that he was forcibly awakened to the truth of the picture by reference to his own case, and that he made a painful contrast between his then position in Congress and that which he had held in the preceding administration.

land would be grateful to him, particularly as he frequently spoke of making a voyage to Europe, applied to the executive to give him that appointment, but it was soon discovered that neither Mr. Jefferson nor Mr. Madison were in favour of it. They had seen enough of Mr. Randolph to know that his defects of temper rendered him unfit for such a situation—that he could neither be expected to yield implicit obedience to the views of those who employed him, nor be capable of the address, or patient research, or temperate logic for effecting them. It was in vain that Mr. Clark pressed his application, which was seconded too by several of his colleagues, and even enforced with the threat of their desertion. The refusal of a claim thus urged was but the more peremptory. Although Mr. Randolph had no agency in this application, and perhaps had not even been privy to it, yet the application and its rejection were soon made known to him, and to his proud and resentful spirit the offence was the same as if the refusal had been to himself. He was soon afterwards found in the ranks of the opposition, to which he was most cordially welcomed, and a large proportion of the public had no hesitation in referring his change to his resentment, although the office which had been refused to him had not been solicited with his privacy, as his friends strenuously insisted.

The select committee made a report to the House, sitting for the purpose with closed doors, on the 3d of January, 1806, in which report, after noticing in detail the various aggressions of Spain, and declaring them to afford ample cause of war, they say that such a course would be recommended by the committee if they consulted their feelings alone; but that peace was particularly desirable to a government like that of the United States, so long as it was compatible with their honour, especially while they continued burthened with a public debt, which absorbed two-thirds of their annual revenue. That the present moment was peculiarly propitious to its discharge, when the nation could reap the rich harvest of its neutrality: and they hoped, in the changed aspect of affairs, that Spain would find motives for fulfilling her engagements and preserving her friendly relations with the United States. Yet as their terri-

To stem the current of public opinion, which, so far as it was manifested, set so strong against these gunboats, and to turn it into their favour, Mr. Jefferson prevailed on Paine, who had since his return, been addressing the people of the United States on various topics, through the newspapers, to become their advocate. He set about it with his wonted self-confidence and real talent in enforcing his views, and proceeded to show that a gun from a gunboat would do the same execution as from a seventy-four, and cost no more, perhaps less; but that a ship, carrying seventy-four guns, could bring only one half to bear on an enemy at once, whereas if they were distributed among seventy-four boats, they could all be equally effective at once. In spite of this logic, the public, pinning its faith on experienced men, remained incredulous; and when, soon afterwards, many of the new marine were driven ashore in a tempest, or were otherwise destroyed, no one seemed to regard their loss as a misfortune, and the officers of the navy did not affect to conceal their satisfaction: nor has any attempt been since made to replace them.

That they cannot answer all the purposes of ships at sea or even in smooth water, for transportation or defence, seems not to be questioned; but that they may be highly useful in defending harbours, and attacking ships in shallow water, is shown by the practice of the most maritime nations of Europe. And the error of Mr. Jefferson was not, as his enemies charged, in adopting a visionary scheme of defence, but in limiting his views from a motive of economy, to the protection of the harbours, and in leaving his country's commerce and seamen, on the ocean, defenceless.

Early in December, the House, according to its determination at the last session, proceeded to prepare articles of impeachments against Samuel Chase, one of the judges of the supreme court, and to appoint managers on the part of the House. These were Messrs. John Randolph, Rodney, Nicholson, Early, Boyle, and Nelson; and on the 10th they proceeded to the trial. The articles of impeachment, eight in number, were as follows:—1. That he conducted himself in the trial of John Fries of Pennsylvania, charged with treason, in “a manner highly

arbitrary, oppressive, and unjust." 2. That with a view to effect the conviction of John Thompson Callender, charged with a libel, he had overruled the objection of one of the jurors, who alleged that he had made up his mind on the case, and ought to be excused from serving. 3. That he had improperly excluded the evidence of John Taylor. 4. That his whole conduct on that trial, was marked by "manifest injustice, partiality, and intemperance." 5. That he had illegally issued a *capias* against the body of Callender, instead of a summons. 6. That he illegally ruled Callender into trial at the first term after he was presented by the grand jury. 7. That in the state of Delaware, in June 1800, he had descended from the dignity of a judge, and stooped to the level of an informer, by refusing to discharge the grand jury, and bringing to their notice the printer of a newspaper in Wilmington. 8. That at a circuit court, in Baltimore, in May 1803, he addressed the grand jury for the purpose of delivering to them "an intemperate and inflammatory political harangue, with intent to excite the fears and resentment of the said grand jury and of the good people of Maryland, against their state government and constitution."

On the 2nd of January, 1804, the accused appeared at the bar of the senate, and asked to be allowed to the first day of the next term to put in his answer. The request being considered on the following day, and refused, the 4th of February was fixed for him to answer the charges, by a vote of 22 to 8. A replication in form was made to his answer, and on the 7th the senate proceeded to the trial. From that time until the 20th the court was engaged in the examination of witnesses, and on that day the argument was opened by Messrs. Early, Campbell, and Clark,* on the part of the managers. They were replied to by Messrs. Hopkinson, Key, Lee, and Martin, the counsel for the accused, and Messrs. Rodney, Nicholson, and Randolph, the other managers, closed the argument on the 27th.

The trial excited great interest throughout the country, and public attention was suspended as to every other object, to con-

* This gentleman had been substituted for Mr. Nelson, who had asked to be excused.

still less did it conflict with the private communication, "which asked the means of negotiation in such terms as covered the purchase of Florida as evidently as it was proper to speak out;" upon the whole, party opposition seldom had weaker grounds for complaint than on this occasion, and nothing but war with Spain, for which the nation was not yet prepared, and eventually, perhaps, with France, would have satisfied this party.

After Mr. Randolph had avowed himself opposed to the course of the administration he carried a few of the republican party with him, and this created at first a sudden alarm and confusion in the rest. They, however, soon rallied, and continued in unbroken phalanx for the remainder of Mr. Jefferson's term.

The opposition thus re-inforced, seemed disposed to make amends for their past inertness. They assailed the course of the administration at every point, and often created embarrassment when they were unable to produce defeat.

After the House of Representatives decided on publishing their proceedings in secret session, and the discussion on the president's message was communicated to the public by the members, it appeared that the grounds on which the administration had been respectively assailed and defended on that occasion, were as follows:

It was urged by the minority, and chiefly by Mr. Randolph, who now first exhibited himself as a member of the opposition, that the president, in his secret message, had not asked for the appropriation, (of two millions,) but had brought to the notice of the House the injuries and insults received from Spain, and called upon the representatives of the people to vindicate the national honour; and if, while he held this language, he wished to obtain redress by negotiation, he ought, by saying so, to have taken the responsibility of that course, and not have sought to appropriate to himself the credit of a spirited assertion of the nation's rights, and to throw upon Congress the odium of abandoning them. They said that the measure proposed was highly objectionable in itself, in offering to compromise our wrongs for money; and, as to a part of the territory, to pay a second time

to Spain for what we had already fairly purchased from France; that such a course would be as impolitic as it was disgraceful, and would hereafter encourage other nations to violate our rights as a means of extorting money from us; that as France, with the control she was known to exercise over Spain, would probably receive the purchase money of Florida, and the administration had avowed this as their reason for expecting the good offices of France in the proposed negotiation, we were, in fact, taking a mean advantage of the weakness of Spain, by bribing France to bully her out of her rights, and that the dishonour of such a course was aggravated by the fact that France had threatened us with her vengeance, if we went to war with Spain. That by furnishing pecuniary aid to one of the belligerents, we should be departing from our neutrality, and thus increase our difficulties with Great Britain, already sufficiently great. They added that, in pursuit of a policy thus unwise and dishonourable, the executive had been throughout, regardless of the rights of the legislature; that it had withheld from them important despatches of Mr. Monroe until after the appropriation was made, because they were likely to have had an influence on that question; and that it had even attempted to draw money from the treasury for the purchase of Florida, before any appropriation had been made.

On behalf of the administration it was admitted that Spain had committed many unwarrantable and lawless acts against our citizens, and had so met our overtures for an adjustment of differences, that we should have been justified in coming to an open rupture with her; but it was insisted that our course, on similar occasions, had always been, not to make an appeal to arms, so long as it could be prevented by negotiation; that we had pursued that course towards England in 1794, towards France in 1798, and subsequently in 1802; that the injuries we sustained, on the last occasion, and to which the purchase of Louisiana was to put a stop, were of the same character as those of which we now complained; or if there was any difference, it was too small to make a course which was then honourable and wise, now impolitic and disgraceful. That the influence of

France over Spain could not affect the character of the proceeding. The negotiation would be made with Spain, and if successful, the purchase money for Florida would be paid to her. It did not concern us whether she paid it away to France, or used it herself; and granting that we were sure that France would receive it, that circumstance, in consequence of the humbled and dependent condition of Spain, for which we were not responsible, furnished an additional argument in favour of a course which was likely to secure the good offices of France in procuring for us an acquisition which was so valuable in itself, and would remove so many sources of dispute from our neighbourhood; and that it seemed a singular objection to a measure of national policy, that it sought to profit by the weakness of an enemy or a rival. It was denied that France had dealt out any threat against the United States; she had merely, in answer to our inquiry, whether, in case we went to war with Spain, we should also be involved in a war with her, answered in the affirmative. The objection drawn from our neutral duties was said not to have a shadow of foundation, even in the novel doctrines of the day, since, if neutrals may buy or sell merchandise of a belligerent, by which commerce he may be enriched, *a fortiori*, may they buy of him his territory and inhabitants, the main sources of his strength.

Having thus defended the measure, the majority insisted that the means pursued by the executive to effect it were altogether unexceptionable. In making his communication to the legislature, the president had exhibited, without disguise, the wrongs received from Spain, that Congress, to whom alone it was competent, might, if it thought proper, exercise its constitutional power of avenging them. He had at the same time expressly told them that a pacific settlement might at that crisis be probably effected by negotiation, and he had intimated to them the character of that negotiation; there was therefore no pretext for the charge of his shrinking from responsibility, both because he had recommended negotiation as earnestly as was consistent with decorum and a proper sense of the rights of Congress, and because he himself, being a part of the legislature, shares in the

responsibility of all their acts. Nor was he censurable for withholding the despatches of Mr. Monroe, since they principally concerned our affairs with Great Britain, and had no other relation to those of Spain than an opinion of Mr. Monroe that France would make common cause with Spain. It was denied that these despatches would have influenced the vote on the appropriation, in proof of which the vote in the senate, which did not take place until after their publication, was referred to. It was also denied that the executive had attempted to draw money from the treasury without an appropriation, and the charge* was publicly contradicted by a certificate from the secretary of the treasury.

After the veil of secrecy was removed, Mr. Randolph proposed to publish the president's confidential message with the journal, but the motion was rejected by 78 votes to 44.† The apparent object of the minority was to defeat the purchase, and if so, they obtained their wish; but whether its failure was to be attributed to the delay they had produced until the peace of Presburg altered the condition of things in Europe, or to other causes, does not appear.

The interruptions to American commerce by Great Britain, on the ground that a neutral cannot carry on a trade in time of war which is not permitted to it in peace, had excited great feeling throughout all the commercial states; and most of the principal towns had memorialized Congress or the executive on the subject. The continued impressment of American seamen afforded a further cause of complaint. On the 17th of January the president sent to the House of Representatives a message on this subject, with the memorials received by the executive. He stated that this question was supposed to have been settled by the decisions of the commissioners of the two countries, under

* This charge, which Mr. Randolph had made on the floor of Congress, seems to have had no other foundation than the president's proposal in the cabinet to profit by the golden opportunity, and purchase Florida without waiting for the previous sanction of Congress.

† It was however published in the following August, by an anonymous writer, said to be Mr. Randolph, under the signature of Decius.

the British treaty: that in the present war, the principle having been revived, our minister had been instructed to remonstrate against it, when the practice received a partial and temporary suspension, without any disavowal of the principle. Since that time adjudications had been made on the principle. This subject, therefore, as well as that of impressment, which practice was pursued even in our own seas, was submitted to the consideration of Congress.

Both these subjects were referred to committees, who, however, were, two days afterwards, discharged from the consideration of them. They were then referred to a committee of the whole House, and a resolution was offered by Mr. Gregg, of Pennsylvania, to suspend all further importation from any port of the British dominions until "equitable and satisfactory arrangements were made," both on the subject of captures, under the rule of '56, and impressments.

On the 5th of February Mr. Joseph Clay, of Pennsylvania, offered four resolutions, the object of which were: That whenever American vessels were not permanently permitted to trade with the dominions of any foreign nation, the ships of such nation should be interdicted the like trade with the United States. That all merchandise which American vessels were prohibited from importing into any port of a foreign nation, should not be exported from the United States in the vessels of such nation: That such merchandise as American vessels were interdicted by foreign nations from exporting from any part of their dominions, should not be imported into the United States in the vessels of such nation. And lastly, to retort the policy of the British navigation act, that no foreign vessel should be permitted to import into the United States any merchandise which was not the product of such nation, except it was expressly permitted by treaty, or in time of war.

On the 10th of February, Mr. Nicholson offered a resolution to prohibit certain specific articles of the growth or manufacture of Great Britain, comprehending all fabrics of leather, tin, brass, hemp, flax, or silk, glass, fine cloths, &c., silver wares, beer, hats, nails, paper, &c., which he preferred to the pre-

ceding, as not affecting the revenue so seriously as the first, nor operating so injuriously on the class of consumers as the last. On the same day Mr. Crowninshield, of Massachusetts, offered another, that no merchandise should be imported or exported to or from any European colonies in America, unless the importation in American vessels was at all times admitted into the said colonies, and unless the exportation of the said colonies was permanently permitted to American vessels to the United States. According to this resolution no intercourse was to be permitted, unless the American vessels had a share both in the import and export trade.

Two days afterwards Mr. Sloan, of New Jersey, offered a resolution, by which, in case the British government did not, in a given time, restore all American seamen impressed by her, and discharge all American vessels detained contrary to the law of nations, and make compensation for past detention and illegal condemnation, all intercourse between the United States and her dominions should cease. All of which resolutions were referred to the committee of the whole.

This subject remained without further action until March 13th, when motions were made to discharge the committee from the further consideration of the last resolution, and of that offered on the 17th of January of a similar import, which motion was negatived by a vote of four to one. Of the twenty-six members who voted in the minority, no less than twelve were from Virginia, principally those most closely united with Mr. Randolph in political views; but among them was Mr. Eppes, Mr. Jefferson's son-in-law. The federal party voted with the majority. On the 17th of March, the House agreed to the policy of prohibiting specific articles of British growth or manufacture by a vote of 87 to 35—the federal party generally voting in the minority. The bill laying this prohibition passed the House on the 26th of March, by a vote of 93 to 32—the federalists, with Mr. Randolph and two or three of his friends, constituting the minority. On the 15th of April, it passed the Senate by a vote of 19 to 9, after an ineffectual attempt to postpone it, “in consequence of a more favourable course of conduct on the part of Great

Britain" as to the trade of the United States. The prohibition was to take effect on the 15th day of November.

It was also determined to remove all ground of complaint for the trade to St. Domingo, or Hayti, as its new masters now called it. A bill from the Senate, interdicting all intercourse with the French part of the island, passed the House on the 25th of February, by a vote of 95 to 22.

The sum of 150,000 dollars was appropriated for fortifying the ports and harbours, and 250,000 dollars for building gunboats.

The other important measures were of a domestic character. Of these, the first in importance as to its immediate utility, and as a precedent for the interpretation of the constitution of the United States, was the act for the construction of a national road from Cumberland, in Maryland, to the state of Ohio, which passed on the 24th of March, 1806, by a vote of 66 to 50. It was opposed altogether on the constitutional ground that the power of making roads was not given to Congress; but to obviate this objection, the consent of the states through whose territories the road was to pass, (Maryland, Virginia and Ohio,) was first required. Yet if Congress had not the power of making roads, as was contended, the consent of these states could not give it. This question continued to be long afterwards a subject of controversy between those who were severally disposed to a strict and a literal construction of the constitution. But perhaps the strongest arguments against the power are to be found in the mischiefs likely to arise from its inexpediency; by its being a source of local jealousy and heart-burning; by its presenting the means of wasting the national resources in expensive and improvident undertakings; by its great extension of the influence of the federal government; and by its furnishing the means of bribing and influencing individual states with the money of the whole.

The constitution having restrained Congress from prohibiting the importation of slaves before 1808, it was considered that this did not prevent a tax from being laid on such importation, and accordingly one of ten dollars on each slave imported was proposed. But while most of the members from the slave-hold-

ing states looked forward with great satisfaction to the time when Congress could constitutionally prevent the further increase to this class of their population, they were extremely unwilling to see any other legislation on the subject, by those who had no common interest or feeling with them concerning it. After several propositions to reject or postpone the bill, which failed by a vote of two-thirds of the House, it was, on the third reading, recommitted, and though afterwards reported with amendments, it was found so unpalatable to a large portion of the House, that it was never finally acted on.

A proposition, which had been made at the preceding session, to amend the constitution so that any judge of a federal court might be removed by the president, on the joint application of the two houses of Congress, was renewed at the present session, and after the disagreement to the proposition in committee of the whole, the motion to postpone it indefinitely was rejected by a large majority. No further steps were taken on the subject; and probably, from the disagreement between the votes in the House and those in committee of the whole, the decision was deemed too uncertain to be pressed either by its friends or opposers.

On the 19th of February, the president communicated information of the progress of the expedition under Lewis and Clarke, by which it appeared that they had ascended the Missouri by the 1st of November, 1804, as far as the Mandan villages, 1609 miles from the mouth of the river, and having wintered there, had, on the 7th of April, 1805, proceeded up the river. He sent also a map of the Missouri, and some statistical details of the Indians and their commerce.

At the close of the session memorials were received by the Senate from Wm. G. Smith and Samuel G. Ogden, of New York, stating that they were under a criminal prosecution for engaging in an expedition lately fitted out by Miranda against Caraccas, that if they had acted contrary to law they had been led into error by the officers of the executive government, who were now endeavouring to bring upon the memorialists the penalties of the law in expiation of their own errors, and to deprecate the vengeance of foreign governments. A large ma-

jority of the House voted that these charges were unsupported by evidence, and that they were presented at a time calculated to excite unjust suspicions against the administration. They therefore unanimously agreed that it would be improper to take any steps that would influence a prosecution then depending against the memorialists.

On the 21st of April terminated this session, which, though not unusually long, was one of the most animated and contentious. The House of Representatives now manifestly consisted of three parties, as besides the two known divisions of republicans and federalists, there was a schism of the former, who differed from the administration on some leading points of foreign policy, and who while they voted with the federalists on these questions, and on some collateral points, so as to show a diminished confidence and good feeling towards the executive, took especial care not to be considered by the nation as being merged in the federal party, not only by their general declarations, but by their votes on all questions not involving the policy of the administration, on which occasions they concurred with the republicans. This party consisted principally of members from the Virginia delegation, and were all personally intimate with Mr. Randolph. The same party afterwards received a great accession of strength in Virginia, by bringing forward Mr. Monroe as a candidate for the presidency, in opposition to Mr. Madison, and it was not until the reconciliation of these gentlemen by the good offices of Mr. Jefferson, that its ranks were broken as a party, and that some of the scattered fragments united with the federalists, in opposition to the war and all the leading measures of the administration which preceded it.

CHAPTER IX.

Efforts to make the purchase of Florida. Embassy to France. Letter to Wilson C. Nicholas. Disposition of parties towards England and France. Policy of the administration. Letter to William Duane—To the Emperor of Russia. Rival candidates for the presidency. Letter to Mr. Monroe. Negotiation with England. The appropriation of two millions. Letter to Mr. Gallatin. Annual Message. Proposes amendments to the Constitution. Repeal of non-importation law. Burr's projects. Measures of the administration to defeat them. Bill for suspending the Habeas Corpus passes the Senate—Rejected by the House. System of national defence. Suppression of African Slave trade. Letter to John Dickinson—To Wilson C. Nicholas.

1806—1807.

LET us turn to the measures of the administration abroad. As soon as Congress had decided on making the appropriation of two millions for the purchase of Florida, the president determined on making a last effort to effect an amicable settlement at Paris of all matters of dispute with Spain. He appointed General Armstrong, of New York, and Mr. Bowdoin, of Massachusetts, joint commissioners for that purpose, and proposed to add Colonel Wilson C. Nicholas, of Virginia, as a third. But on that gentleman's declining the mission, the whole was left to the management of the two first. In a subsequent letter he remarks to Colonel Nicholas, that "an unjust hostility against General Armstrong will, I am afraid, show itself whenever any treaty made by him shall be offered for ratification." He re-

grets the absence of his former senators, Mr. Giles and Colonel Nicholas himself. "A majority of the Senate," he says, "means well. But Tracy and Bayard are too dexterous for them, and have very much influenced their proceedings. Tracy has been of nearly every committee during the session, and for the most part the chairman, and of course drawer of the reports. Seven federalists voting always in phalanx, and joined by some discontented republicans, some oblique ones, some capricious, have so often made a majority, as to produce very serious embarrassment to the public operations; and very much do I dread submitting to them, at the next session, any treaty which can be made with either England or Spain, when I consider that five joining the federalists can defeat a friendly settlement of our affairs."* Alluding to Randolph's late course, he remarks, "the defection of so prominent a leader threw them into dismay and confusion for a moment; but they soon rallied to their own principles, and let him go off with five or six followers only. One half of these are from Virginia. His late declaration of perpetual opposition to this administration, drew off a few others who at first had joined him, supposing his opposition occasional only, and not systematic. The alarm the House has had from this schism, has produced a rallying together and a harmony, which carelessness and security had begun to endanger."

It would seem that the ostensible grounds of division among the republican party were as to the course to be pursued towards England and Spain. Many of those who had once warmly espoused the cause of France, as that of civil liberty, and who had even found forgiveness or excuse for the worst excesses of the revolution, had greatly cooled in their affection after Bonaparte had been permitted to exercise his sovereign power under the title of first consul. But when he threw aside the forms and name of a republican, and assumed the title of emperor, and when it was seen that all France either acquiesced or

*The Senate then consisted of thirty-four members, and two-thirds being necessary to the ratification of a treaty, it of course required twenty-three members.

openly rejoiced in the change, their hopes of support to the cause of liberty, from this powerful nation, were entirely extinguished. They saw in the French emperor a new and more formidable enemy to free government and national independence; and in the same degree that he became an object of dread or aversion, was England regarded with sentiments of conciliation and respect. This alteration of feeling, it must be confessed, extended to but a small portion of the community. The great mass of the nation, especially of those who called themselves republicans, were slow to change their national animosities and predilections. Long attached to France, first as an ally in the American revolution, and then as a fellow labourer in the republican cause, they soon loved it for its own sake, and were disposed to tolerate, if not approve every thing that was there done; and the victories won by French armies under the auspices of Napoleon, gave them almost the same satisfaction as when they were fighting for the right of self-government.

There were others of the republicans who, though they regarded Napoleon as an apostate from the principles which he had professed, and as intoxicated with the love of that power to which his talents and fortune had elevated him, yet apprehended no danger to our institutions from his success, and still less conceived that Great Britain was fighting the cause of mankind. They saw in the contest between France and England two mighty nations inflamed by a long course of hostility and rivalry, struggling for the mastery, and, which ever should obtain it, that the victory would be sure to be abused, not only towards the vanquished foe, but to all the rest of the world. Nor did the conquerors of Europe lord it with a harsher or more absolute sway on the land, than the English did on the ocean. It so happened, moreover, that the people of the United States were more exposed to this tyranny, and had even an experimental knowledge of it, whereas the other they only knew by report; and report too, which, coming through suspicious channels, did not receive implicit credit. They therefore thought that the United States were interested in wishing that neither nation should prevail in the contest farther than to lesson the other's

power of doing mischief; or if we were more interested in wishing success to one party rather than the other, that our friendship could not much assist either, but would materially injure ourselves, by depriving us of the benefits of our neutral position; and that therefore a pacific policy was imperiously enjoined on us. Such are believed to have been the sentiments of Mr. Jefferson and of his cabinet at this time. They knew that peace was the real interest of the country, and they determined to spare no pains to preserve it, notwithstanding the perpetual provocations received from Great Britain by the impressment of American seamen, and by interruptions of American commerce, and although it was also endangered on the part of her great rival, in consequence of our misunderstanding with Spain. And as when a similar pacific policy had prevailed in General Washington's administration, the more ardent portion of the republicans wished to urge the United States in a war against the enemies of France, so now, most of the federalists would have had the nation throw its weight into the scale with England; and it is believed that the small band of seceders from the republican party united with them in this feeling, and made the querulous and jealous temper exhibited by Spain the pretext for furthering their more important purpose.

In answer to a letter received from William Duane, the editor of the *Aurora*, a leading republican print, Mr. Jefferson on the 22nd of March says, in reference to this subject, "That Mr. R. (Randolph) has openly attacked the administration is sufficiently known. We were not disposed to join in league with Britain, under any belief that she is fighting for the liberties of mankind, and to enter into war with Spain, and consequently France. The House of Representatives were in the same sentiment, when they rejected Mr. R.'s resolutions for raising a body of regular troops for the western service. We are for a peaceable accommodation with all these nations, if it can be effected honourably. This, perhaps, is not the only ground of his alienation; but which side retains its orthodoxy, the vote of eighty-seven to eleven republicans may satisfy you."

He further denies that there was any want of harmony in

the cabinet, or had ever been; and remarks, "while differences of opinion have been always rare among us, I can affirm that, as to present matters, there was not a single paragraph in my message to Congress, or those supplementary to it, in which there was not a unanimity of concurrence in the members of the administration." He also positively denies that the expedition of Miranda had been countenanced by him, as had been pretended by those who were engaged in it, first to gain supporters and friends, and afterwards for their own vindication. In speaking of the impossibility of escaping censure, he presents an epitome of what is experienced by every administration in every free government. "Our situation is difficult; and whatever we do is liable to the criticisms of those who wish to represent it awry. If we recommend measures in a public message, it may be said that members are not sent here to obey the mandates of the president, or to register the edicts of a sovereign. If we express opinions in conversation, we have then our Charles Jenkinsons, and back-door counsellors. If we say nothing, 'we have no opinions, no plans, no cabinet.' In truth it is the fable of the old man, his son, and the ass over again."

A general peace in Europe was now expected from the fact of Mr. Fox being in the English ministry, and from the supposed desire of Napoleon for peace, at least long enough to cement his power, and renovate the strength of the French nation. It was with a view to this probability that Mr. Jefferson now took occasion to address a letter to Alexander, Emperor of Russia, in behalf of neutral rights.

In this letter, after speaking of his gratification at seeing advanced to the government of so extensive a portion of the earth, and at so early a period of his life, a sovereign whose ruling passion was the happiness of his people, and whose philanthropy was extended to "a distant and infant nation, unoffending in its course and unambitious in its views," he further compliments the emperor on his efforts towards the pacification of Europe, and reminds him of the common interest which the United States and the northern nations of Europe have in preserving neutral

rights. He suggests that the emperor and Napoleon have it in their power, at the approaching pacification, to render eminent services to nations in general, by incorporating into the act of pacification, a correct definition of the rights of neutrals on the high seas, and "that these rights thus defined could be enforced, if further sanction were necessary, by an exclusion of the nation violating them from all commerce with the rest."

"Having taken," he says, "no part in the past or existing troubles of Europe, we have no part to act on its pacification. But as principles may then be settled in which we have a deep interest, it is a great happiness for us that they are placed under the protection of an umpire, who, looking beyond the narrow bounds of an individual nation, will take under the cover of his equity the rights of the absent and unrepresented. It is only by a happy concurrence of good characters and good occasions, that a step can now and then be taken to advance the well being of nations. If the present occasion be good, I am sure your majesty's character will not be wanting to avail the world of it. By monuments of such good offices may your life become an epoch in the history of the condition of men, and may He who called it into being, for the good of the human family, give it length of days and success, and have it always in his holy keeping."

The letter is as courteous and as conformable to conventional usages, in addressing crowned heads, as is consistent with self-respect and with truth; or if the concluding paragraph should be supposed to have gone a step beyond this limit, the deviation may be excused for the benevolence of its purpose.

He at the same time forwarded to Alexander, through Mr. Leavitt Harris, the consul at St. Petersburg, two works on the federal constitution, in consequence of having learnt, through Dr. Priestley, that the emperor had expressed a wish to be acquainted with it.

It was one of the effects of the schism in the republican party, if it were not indeed a moving cause, to bring forward Mr. Monroe as a candidate for the next presidential term, not only from opposition to Mr. Madison, who was considered by many as

having higher claims, but also because it was considered that the latter was preferred by Mr. Jefferson. Mr. Monroe, who was then minister to London, was urged to return home by Mr. Randolph, for this avowed object, and Mr. Jefferson was afterwards charged by that gentleman's adherents with protracting his stay in Europe, for the purpose of either preventing his competition or impairing its effect. But whatever was Mr. Jefferson's opinion of the relative claims of these two friends, he seems to have abstained from any active measures in favour of either, and to have discharged the very delicate duties of friendship to two rivals with scrupulous fidelity, as was afterwards virtually acknowledged by both.

Mr. Pinckney, of Maryland, was associated with Mr. Monroe in the negotiation with England, and by that gentleman the president had an opportunity of communicating with Mr. Monroe very fully on the state of parties generally, and on the new attitude in which one of them sought to place him.

In speaking of J. Randolph he says, "His course has excited considerable alarm. Timid men consider it as a proof of the weakness of our government, and that it is to be rent into pieces by demagogues, and to end in anarchy. I survey the scene with a different eye, and draw a different augury from it. In a House of Representatives of a great mass of good sense, Mr. Randolph's popular eloquence gave him such advantages as to place him unrivalled as the leader of the House; and though not conciliatory to those whom he led, principles of duty and patriotism induced many of them to swallow the humiliations he subjected them to, and to vote as was right, as long as he kept the path of right himself. The sudden defection of such a man could not but produce a momentary astonishment, and even dismay; but, for a moment only. The good sense of the House rallied around its principles, and, without any leader,—pursued steadily the business of the session, did it well, and by a strength of vote which has never before been seen. Upon all trying questions, exclusive of the federalists, the minority of the republicans voting with him, has been from four to six or eight, against from ninety to one hundred; and although he ye—

treats the federalists with ineffable contempt, yet having declared eternal opposition to this administration, and consequently associated with them in his votes, he will, like Mercer, end with them." He afterwards remarks, "The great body of your friends are among the firmest adherents to the administration, and in their support of you, will suffer Mr. Randolph to have no communication with them. My former letter told you the line which both duty and inclination would lead me sacredly to pursue. But it is unfortunate for you to be embarrassed by such a *soi-disant* friend. You must not commit yourself to him. If you are here at any time before the fall, it will be in time for any object you may have, and by that time the public sentiment will be more decisively declared."

He here plainly shows how desirous he was of a permanent peace with England, though his enemies were then charging him with the settled design of involving the United States in a war with that country, for the purpose of furthering the views of France. This is his language: "The late change in the ministry I consider as insuring us a just settlement of our differences, and we ask no more. In Mr. Fox, personally, I have more confidence than in any man in England, and it is founded in what, through unquestionable channels, I have had opportunities of knowing of his honesty and his good sense. While he shall be in the administration, my reliance on that government will be solid. We had committed ourselves in a line of proceeding adapted to meet Mr. Pitt's policy and hostility, before we heard of his death, (alluding to the non-importation law) which self-respect did not permit us to abandon afterwards; and the late unparalleled outrage on us at New York,* excited such sentiments in the public at large, as did not

* The outrage here referred to was a shot fired from the British ship *Leander* on a coasting vessel near Sandy Hook, by which one of her crew, John Pierce, was killed. The president, on the 3d of May, issued a proclamation, forbidding the entrance of the *Leander* and two other ships in company with her, into the waters of the United States; calling upon all officers, civil and military, to apprehend Henry Whitby, the captain of the *Leander*; and warning all citizens against giving aid to the same ships, under the penalties of the law.

permit us to do less than has been done. It ought not to be viewed by the ministry as looking towards them at all, but merely as the consequences of the measures of their predecessors, which their nation has called on them to correct. I hope, therefore, they will come to just arrangements. No two countries upon earth have so many points of common interest and friendship; and their rulers must be great bunglers indeed, if, with such dispositions, they break them asunder. The only rivalry that can arise is on the ocean." He admits that England may check us, but only for a time; but that justice and conciliation on her part would promote the security of both. "We have," he says, "the seamen and materials for fifty ships of the line, and half that number of frigates, and were France to give us the money, and England the dispositions to equip them, they would give to England serious proofs of the stock from which they are sprung, and the school in which they have been taught, and, added to the effects of the immensity of sea coast lately united under one power, would leave the state of the ocean no longer problematical. Were, on the other hand, England to give the money, and France the dispositions to place us on the sea in all our force, the whole world, out of the continent of Europe, might be our joint monopoly. We wish for neither of these scenes. We ask for peace and justice from all nations, and we will remain uprightly neutral in fact, though leaning in belief to the opinion that an English ascendancy on the ocean is safer for us than that of France."

After Congress made the appropriation of two millions for the purchase of Florida, it was deemed of sufficient importance to despatch the *Hornet* sloop of war to communicate the facts to the American ministers at Paris, and to furnish them with the means of paying the money forthwith; which was by enabling them to draw on funds in Holland placed there to discharge the foreign debt. These facts gave some colour to the imputation which Mr. Jefferson's enemies had thrown out in the newspapers, that the two millions were meant to bribe France to compel Spain to make a cession of the Floridas; and that the *Hornet* actually carried out the money. The calumny, bold as it was,

when first propagated, has been so improved of late as to assert not only that the two millions were carried in specie to France, but were actually paid to Bonaparte, without any consideration whatever; though the *Hornet* did not carry out a dollar, but only letters of credit, to be used if wanted for the purchase of Florida, and no part of which was used; as a reference to the treasury accounts would show, if the fact had not been established by a subsequent investigation in Congress.

In July Mr. Jefferson wrote to Mr. Bowdoin that the administration were anxiously waiting to hear the success of his mission. He says, "If you can succeed in procuring us Florida, and a good western boundary, it will fill the American mind with joy. It will secure to our fellow-citizens one of their most ardent wishes, a long peace with Spain and France. For, be assured, the object of war with them and alliance with England, which, at the last session of Congress, drew off from the republican band about half a dozen of its members, is universally reprobated by our *native* citizens from north to south.".... "With England I think we shall cut off the resource of impressing our seamen to fight her battles, and establish the inviolability of our flag in its commerce with her enemies. We shall thus become what we sincerely wish to be, honestly neutral, and truly useful to both belligerents. To the one, by keeping open a market for the consumption of her manufactures, while they are excluded from all the countries under the power of her enemy; to the other, by securing for her a safe carriage for all her productions, metropolitan or colonial, while her own means are restrained by her enemy, and may therefore be employed in other useful pursuits." He suggests the Bay of St. Bernard and the river Guadaloupe as the western boundary, which is more than 200 miles west of the Sabine, the present boundary.

Among the artifices of unprincipled party writers, one is to suggest dissensions and misunderstandings among the leaders of the opposite party. These insinuations sometimes, by producing jealousy and distrust among friends, cause the very breach they have falsely announced, and though they fail of

that effect, they at least serve as aliment to raise party hopes and cherish party malignity. Mr. Jefferson's correspondence alludes to several such attempts, all of which, it would appear, were as fruitless as they were unfounded. It seems, by the journals of the day, that there was a floating rumour that Mr. Gallatin was discontented because he was not consulted by the president on some of his leading measures, and in fact that there was no regular cabinet council; and while this departure from the practice of the former administrations was condemned by the federalists, it was approved and defended by their opponents. The fact was, however, that neither of Mr. Jefferson's predecessors were more regularly in the habit of consulting with the heads of departments than he, and no cabinet could ever have acted with more harmony. It was in reference to one of these intimations that Mr. Jefferson wrote to Mr. Gallatin on the 12th of October, and after adverting to these attempts to produce jealousy among the members of the administration, he assures him of his undiminished confidence and esteem. He adds, "I make the declaration, that no doubts or jealousies, which often beget the facts they fear, may find a moment's harbour in either of our minds. Our administration, now drawing to a close, I have a sublime pleasure in believing will be distinguished as much by having placed itself above all the passions which could disturb its harmony, as by the great operations by which it will have advanced the well-being of the nation."

In addition to the sources of care and anxiety in our foreign relations, Mr. Jefferson now experienced one of domestic origin.

Aaron Burr, late vice-president of the United States, finding in 1804, that suspicion had so fastened upon him of having lent himself to the purposes of the federalists, that he could not be re-elected, endeavoured to regain the ground he had lost by becoming a candidate for the office of Governor of New York, and most of his former opponents, yielding to their stronger hostility to the administration, were disposed to support him. This support, in aid of such of his former friends as still adhered to him, would have been sufficient to elect him but for the active opposition and influence of Hamilton. Irritated at this opposi-

tion, he sought an occasion for revenge, and found it in tracing out some of the numerous imputations which Hamilton had cast on his moral character. A duel then ensued, in which Hamilton received a wound that proved mortal. This event ruined Burr's prospects for ever in New York, where Hamilton was, beyond any other individual, the object of pride, affection, and gratitude. It was then that he conceived the project of trying to advance his desperate fortunes in the western country, first by endeavouring to effect a separation of that portion of the Union from the rest; if that proved impracticable, to tempt the ardent and enterprising spirits of the west to an invasion of Mexico, and possibly, if he failed in that, to some humbler scheme of self-aggrandizement. He set out on a tour to the west, and his projects were soon communicated both by those who favoured his schemes and those who discouraged them. Finding that the attachment of the western people to the Union was not to be shaken, he limited his views then to an invasion of Mexico, which received more support from the belief that it was favoured by the government. As soon as the administration was apprised of the illegal nature of his scheme, they sent a confidential agent, Mr. Graham, to the west, for the purpose of obtaining early and authentic information, and of conferring with the governors and other state authorities on the means of discovering the conspirators, arresting their schemes, and bringing them to punishment. General Wilkinson was ordered from the Sabine to New Orleans, and every precaution was taken to defeat this lawless enterprise. Information being then obtained from General Wilkinson of the criminal designs of Burr, which were limited to the plundering the bank at New Orleans and then the invasion of Mexico, the president issued a proclamation on the 27th of November, cautioning all citizens against joining in the enterprise; and orders were at the same time issued to the different points on the Ohio and Mississippi to seize on the boats and stores, and arrest the persons engaged.

Such was the state of the president's information of this desperate scheme when Congress assembled on the 1st day of December. In his opening message the next day he regrets that the

former difficulties in our foreign relations were not yet removed. The negotiation with Great Britain there was ground to expect would be brought to an issue during the session. But the result of that with Spain was altogether uncertain. She had advanced on the west of the Mississippi and taken post on the Red River, within the limits of Louisiana. Their troops had since withdrawn to the west of the Sabine. He had previously called upon the Governors of Louisiana and Mississippi Territories for 500 volunteer cavalry, which was promptly complied with. He alludes to the expedition of Miranda against the territories of Spain, and says that he had, by a proclamation and special orders, taken measures for suppressing it. He recommends fortifications to guard the approaches to New Orleans. The gunboats already authorized would be ready in the spring, and appropriations for a much larger number of them and for fortifying the seaports were also recommended. He suggests the propriety of passing laws for the prevention of private enterprises against the United States, similar to those already provided for such enterprises against foreign nations in amity with them. The Barbary powers were then at peace with the United States, but a force would be sent to the Mediterranean as the likeliest means of preserving it. The relations with the Indians were stated to be all amicable. The several exploring expeditions under Lewis and Clarke, Pike, and Freeman, were also brought to their notice.

He congratulates Congress on the approach of the period when they might constitutionally put a stop to the African slave trade; and although the law could not take effect before the year 1808, yet we might prevent by timely notice, adventures which could not be completed before that period.

The receipts into the treasury to the last of September amounted to fifteen millions, of which 2,700,000 dollars had been paid on account of the claims under the Louisiana Convention, and more than 5,000,000 on account of the debt, exclusive of interest. He recommends the removal of the tax on salt, and a temporary continuation of the Mediterranean duty. He reminds them that there would soon be an accumulation of

money in the treasury beyond the instalments of the debt that were payable, and he asks, "Shall we suppress the impost, and give that advantage to foreign over domestic manufactures?" He suggests that it would be better to continue it on articles of luxury, and apply the money "to the great purposes of education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers." Such an amendment he commends to their consideration; and he particularizes a national establishment for education. He admits, in conclusion, the uncertainty of the present prosperous and peaceful condition of the country, and says, it would be wise, without exhausting our resources, to make provision for a change in fortifying exposed places, and organizing the militia so as to make it promptly effective.

On the following day he informed the House that the negotiation with Great Britain was proceeding in a spirit of accommodation, since the delay occasioned by the death of the British minister, (Mr. Fox,) charged with that duty. He then mentioned a suggestion from the American ministers at London that a temporary suspension of the non-importation act, would, "as a mark of a candid disposition on our part, and of confidence in the temper and views with which they have been met, have a happy effect on the course of the negotiation;" on this and other considerations he recommends the suspension of the act for a reasonable time, both as to past as well as future cases. This message was referred to a committee of five, of whom Mr. Randolph was chairman.

In pursuance of this recommendation, a bill was presented by the committee the next day, and was passed on the 6th, with only five dissentients. It deserves to be remarked that on a motion to suspend it only to the 31st of December, it received the votes of the federalists, and of the republican seceders—45 ayes to 67 noes. The 1st of July finally prevailed by a vote of 97 to 12. If the opposition, in first voting for so ineffectual a measure as a postponement to the end of the month, showed a disposition to frustrate the wishes of the executive, the greater

part of them showed, by their second vote, that they thought it not patriotic or not prudent to persevere. The bill was afterwards amended in the senate so as to authorize the president, in his discretion, to suspend it to the second Monday in the succeeding December.

From the time that Burr's project had been first noticed, it had filled the minds of many with anxiety and apprehension, lest he should be able to seduce the western people from their attachment to the Union; and this fear was founded not more on the high opinion they had of Burr's address and talents for intrigue, than on the supposed feebleness of the ties by which the western states were bound to the confederacy. And as the measures taken by the executive were unknown to the public, men began to express wonder and complain at the supineness of the administration. Such was the state of things when, on the 16th of January, at the instance of Mr. Randolph, Congress called on the president for such information as he possessed of any illegal combination against the peace and safety of the Union, or of any military expedition against the territories of a power in amity with the United States, together with the measures pursued by the executive for suppressing the same. On the 22nd, the president responded, and, after giving the history of Burr's project up to the beginning of the session, as already stated, he proceeded to inform the House, that before the orders of the executive to arrest the expedition had reached the western country, the Governor and legislature of Ohio, in consequence of information received from the confidential agent of the government, had, with great promptitude and zeal, effected the seizure of the boats and stores within their reach. That in Kentucky a premature attempt to prosecute Burr having failed, it had produced a popular impression of his innocence, whereby he had been there enabled to hasten his equipments. But that the arrival of the government agent, together with the proclamation and orders of the executive, had produced the same effects on the public authorities in that state as they had done in Ohio. That some boats, containing, by different accounts, from one hundred to three hundred persons, had passed

the Falls of the Ohio to rendezvous at the mouth of Cumberland, with others, as it lately appeared, expected down that river. That on the 19th of December orders had been despatched to the authorities of Tennessee, and on the 23d the agent had left Frankfort for that state; that by information received the day before, (25th January,) Burr had descended the Cumberland on the 22nd of December with two boats, but without any quota of men from that state, but whether the orders from the Executive would be in time for his arrest was yet doubtful. Yet on the whole, the fugitives from Ohio, with their associates from Cumberland or elsewhere, could not threaten serious danger to New Orleans, as ample preparations for resistance had been made there by General Wilkinson, seconded by the zeal and spirit of the inhabitants.

He aims to prove the rumours that the enterprise was to receive aid from foreign powers unfounded, and says, "they are to be imputed to the vauntings of their author, to multiply his partisans by magnifying the belief of his prospects and support."

He concludes by informing the House of despatches from General Wilkinson, received on the 18th of January, stating that he had apprehended three emissaries of Burr, one of whom had been liberated by *habeas corpus*, and two others, employed to corrupt General Wilkinson and his army, had been sent on for trial to one of the Atlantic states. As soon as they arrived, they would be delivered to the custody of the law, and he suggests that as Washington, on many accounts, would be the most proper place for their trial, their first regular arrest should take place there.

On the following day, the expediency of suspending the *habeas corpus* having been referred to a committee of the Senate consisting of Messrs. Giles, of Virginia, Adams, of Massachusetts, and Smith, of Maryland, Messrs. Giles, in behalf of the committee, soon afterwards reported a bill suspending the *writ* for three months, and the rule requiring three readings being unanimously dispensed with, the bill was passed on the same day, and forthwith communicated to the House in confidence, with a request of its speedy concurrence.

The message of the Senate was not received until the 26th. In the House, however, it met with a very different fate. On motion of Mr. Thompson, one of the republican minority, a vote was taken against making the proceedings of the House secret, which was carried with only three dissentients, and after a short but spirited debate, the motion to reject the bill was carried by 113 to 19; and thus was presented the singular spectacle of a bill passed by one House of Congress by an unanimous vote, and rejected by the other three days afterwards by a vote approaching to unanimity; and this too, when the political sentiments of majorities of both Houses were the same. In truth, the bill passed the Senate in a moment of surprise, under the belief that it was necessary to prevent the escape of public offenders; and it affords a good practical illustration of the propriety of the rule which forbids hasty enactments. In the three days which intervened, there was time for the minds of members to cool, and to see that the occasion did not present that case of urgency and necessity which could alone justify the suspension of the act. The arrival, too, of Dr. Bolman and Swartwout on the evening of the 22nd from New Orleans, as state criminals, probably contributed to the same result, as their presence seemed to excite quite as much indignation for what began to be regarded as a high-handed measure, as for their supposed crimes. It is also probable that the intelligence communicated the next day, that Burr had passed fort Massac on the 31st of December, with ten boats containing six men each, without any military appearance, served to convince the House that, for such an insignificant armament, the suspension of the writ of *habeas corpus* was not required, and would appear preposterous. The arrival of these persons was announced by the president to both Houses on the 26th. They obtained the writ of *habeas corpus*, after a full discussion before the superior court, and were finally discharged.

Burr, finding his projects utterly hopeless, landed on the banks of the Mississippi, and proceeded to the Tombigby in the Mississippi territory, attended by a single companion. He here

tried to conceal himself, but was arrested in February, and carried to Richmond for trial in the federal circuit court.

In consequence of the House refusing to appropriate the money asked by the president for the building and equipping gunboats, they by resolution called on him for such information as he possessed to show the efficacy of gunboats in protecting harbours, together with the number wanted for the several ports. Accordingly, a few days afterwards, February the 10th, he sent to them a communication on the subject.

He stated that the course adopted for defence proposed to combine 1. Land batteries, furnished with heavy cannon. 2. Moveable artillery. 3. Floating batteries. 4. Gunboats to oppose an enemy at his entrance, and co-operate with the batteries for his expulsion: that professional men had been consulted who approved the plan; and he refers to their testimony to show that gunboats are in general use among all modern maritime nations for the purposes of defence, in proof of which he cites several examples.

He thinks that for the protection of all the principal ports 200 gunboats would be required, which he proposed to distribute as follows: to the Mississippi, 40: to Savannah and Charleston and the neighbouring harbours, 25: to the Chesapeake, 20: to Delaware Bay and river, 15: to New York, the Sound and waters as far as Cape Cod, 50: to Boston and the waters north of Cape Cod, 50.

Of these, a proportion would be of the larger size, and capable of navigating any seas, and reinforcing distant points: 73 were already built or building, and the remaining 127 would cost from five to six hundred thousand dollars;—half to be built this year, and half the next. Only a small proportion of them to be kept afloat, except when the United States were at war; and, by way of silencing the cavils to which this mode of defence had been subjected, he thus concludes: "It must be superfluous to observe that this species of naval armament is proposed merely for defensive operation; that it can have but little effect towards protecting our commerce in the open seas, even on our own coast; and still less can it become an excitement to

engage in maritime warfare, towards which it would furnish no means."

The House subsequently voted an appropriation of 150,000 dollars for building 30 gunboats, by a vote of 68 to 36.

The legislature, in conformity with the recommendation of the president, passed a law to prohibit the African slave-trade after the 1st of January, 1808, and although it finally passed with great unanimity, its details occasioned a good deal of discussion. They repealed the tax on salt, and continued the Mediterranean fund; and the votes in both Houses showed that if the president had lost a small number of his former supporters, he had the undiminished confidence and attachment of the rest, constituting the great body of the republican party. Congress also made a liberal compensation to Captains Lewis and Clarke and their companions, in donations of land.

Yet, with an opposition, which, though few in numbers, comprehended much talent both in the federal and the republican portions of it, he did not feel easy, and he accordingly wrote to Colonel Wilson Nicholas, of Albemarle, in February, to urge him to offer in the place of his son-in-law Thomas M. Randolph, who meant to withdraw, and who, he said, united with all there in wishing Colonel Nicholas to take his place. "Never," he adds, "did the calls of patriotism more loudly assail you than at this moment. After excepting the federalists, who will be twenty-seven, and the little band of schismatics, who will be three or four (all tongue,) the residue of the House of Representatives is as well disposed a body of men as I ever saw collected. But there is no one whose talents and standing, taken together, have weight enough to give him the lead. The consequence is, that there is no one who will undertake to do the public business, and it remains undone. Were you here, the whole would rally round you in an instant, and willingly cooperate in whatever is for the public good."

The solicitation prevailed. Colonel Nicholas was elected in the following month, and though not an eloquent or ready speaker, by his good sense, moderation, and address, brought a great

accession of support to the administration for the remainder of Mr. Jefferson's term.

Before Congress adjourned, he had the satisfaction to communicate to them (February 19,) that our ministers at London had agreed on the terms of a treaty on all the points which had been the object of negotiation: that our ministers at Paris had been assured by the French minister of marine, that a late imperial decree, declaring the British islands in a state of blockade, was not to affect American commerce: and that Aaron Burr had surrendered himself to the civil authority of the Mississippi territory.

The prospect of thus amicably adjusting our difficulties with foreign governments proved altogether delusive.

Mr. Jefferson's unreserved correspondence during this session shows that he deeply felt the perplexities of his situation, and that the office of chief magistrate after its novelty is worn off, is to him who is at once anxious to do right and is sensitive of blame, one of more care and vexation than enjoyment. He on the 13th January discloses to his old friend John Dickinson some of the sources of his anxiety. He speaks of the local discontents in the territory of New Orleans, arising from the prohibition to import slaves; from the administration of justice in our forms, principles, and language, with all of which they are unacquainted; and lastly from the call on them by the land commissioners to produce the titles to their lands, the object and effect of which they misunderstood; all of which had conspired to produce great dissatisfaction. He says he has suggested a grant of land to 30,000 voluntary emigrants to the west of the Mississippi, on condition of defending the country for seven years, by which the Americans would constitute the majority. He is silent on Burr's conspiracy, though that as well as our foreign negotiations must have then been subjects of unceasing solicitude, and no doubt dictated the last paragraph of his letter in a strain very foreign to his sanguine and cheerful temper.

"I have tired you my friend with a long letter. But your tedium will end in a few lines more. Mine has yet two years to endure. I am tired of an office where I can do no more

good than many others, who would be glad to be employed in it. To myself, personally, it brings nothing but unceasing drudgery, and daily loss of friends. Every office becoming vacant, every appointment made, *me donne un ingrat, et cent ennemis*. My only consolation is in the belief that my fellow citizens at large give me credit for good intentions. I will certainly endeavour to merit the continuance of the good will which follows well intended actions, and their approbation will be the dearest reward I can carry into retirement."

CHAPTER X.

Negotiations and Treaty with England. Character of the Treaty. The President declines submitting it to the Senate. Further negotiations. Burr's Conspiracy. His arrest and trial. The President's Correspondence with the Attorney of the United States. The right to summon the President. Conduct of the Federalists. Burr's Acquittal. The British ship Leopard attacks the Frigate Chesapeake. Popular excitement—measures of the Administration.—Demand of satisfaction.—Prudent course pursued. Impost on wines. Appointment to Offices. Abuses of the Press. Cabinet consultations. Letter to Governor Sullivan. Sends his grandson to Philadelphia. His opinions on the Medical Science.—On removals from office. The Emperor Alexander.

1807.

FROM the time that Mr. Jefferson heard that Mr. Fox had a place in the new ministry, after the death of Mr. Pitt, he entertained lively hopes of concluding a treaty with Great Britain, derived from the known candour of that eminent statesman, his liberal principles, and supposed friendly sentiments towards the United States. But whether Mr. Fox would have thought this a fit occasion of manifesting his enlarged views and conciliatory temper, or though he had, whether he would not have been overruled by his more cautious and calculating associates in the cabinet, cannot now be known; for he was prevented by indisposition from taking part in the negotiation, and before it had made much progress, followed his great rival to the tomb.

It soon appeared from the despatches received from Messrs. Monroe and Pinckney, after they had entered upon the negotiation, that there was little probability of making a satisfactory adjustment of the great questions of impressment, indemnity for

spoliations, or the West India trade. Anticipating a change of ministry after Mr. Fox's death, and with his hopes of a successful negotiation greatly moderated, the president thought it prudent to give more explicit instructions to the American envoys. They were therefore informed of his views on the subjects of impressments, neutral commerce, blockades, East and West India trade, and indemnification, and they were instructed not to enter into any treaty which did not provide some security against the impressment of American seamen.

These despatches were, however, too late. They were dated the 3d of February, 1807, and the treaty was signed in London on the 31st of December, preceding.

The day before Congress rose, the president received from Mr. Erskine* a copy of the treaty, and it fell so far short of what he conceived to be the just claims of the United States, as well as of his instructions, that he decided at once on not submitting it to the senate, but to try the effect of further negotiation. Besides other objections, there were two that were insuperable. These were, that the treaty contained no provision whatever on the subject of impressment; and because it was accompanied with a note from the British ministers, by which the British government reserved to itself the right of releasing itself from the stipulations in favour of neutral rights, if the United States submitted to the Berlin decree, or other invasion of those rights by France.

The treaty consisted of twenty-six articles. It confirmed the permanent and unexpired articles in the treaty of 1794. On the subject of the East India trade, rights of neutrals and belligerents, appointment of consuls, surrender of criminals, equalization of duties, and regulation of privateers, the two instruments were substantially the same. The new features in the treaty of 1806 were, that Great Britain consented that the United States should have a circuitous trade with the colonies of her

* This gentleman had been appointed under the Grenville administration to succeed, or rather to take the place of Mr. Merry, as minister from Great Britain to the United States. He reached Washington in the preceding November.


enemies, during the existing hostilities. The limit of maritime jurisdiction is extended to five miles from the coast: provision is made in favour of those who may be shipwrecked: advantages in navigation or trade granted by either party to any nation to extend to the other: all laws passed and measures taken against the African slave trade to be communicated to the other.

This treaty was more favourable to the United States than the treaty of 1794, in adding tar and pitch to the exceptions from contraband; in enlarging the bounds of exclusive jurisdiction on the coast, from three marine miles to five; in not recognising provisions as contraband; in extending the reservation of the right of one party to countervail the tonnage duties of the other party to the United States; and, in place of the former reservation to Great Britain of the right to countervail the discriminating duties in America, equality of duties, of drawbacks and bounties on merchandise, whether in British or American vessels, was expressly stipulated. It was less advantageous in limiting the trade to the British settlements in India to direct voyages, outward as well as homeward; and in providing no compensation for illegal captures. The article by which Great Britain agrees to a trade with her enemies' colonies, for a time, and under certain restrictions, cannot perhaps be properly placed under either head, but certainly not under the first, as the American negotiators regarded it. It was the result of a compromise, by which the United States conceded at least as much as they gained. They had always claimed the right to a direct trade between any nation and its colonies, whenever permitted by such nation, in war or peace, and this claim they surrendered; but Great Britain merely conceded to the United States the trade between her enemies and their colonies, *when the continuity of the voyage was broken*, and this trade her admiralty had, until recently, deemed legitimate. Of the same neutralized character was the omission of the article concerning provisions, for while the United States conceded that they might be stopped as contraband, Great Britain agreed to waive the forfeiture, and to indemnify the neutral for stopping them. As a treaty of navigation and commerce, then, it was

not better than that negotiated by Mr. Jay;* and Mr. Jefferson could not, with any regard either to the equal rights of his country, or to his own consistency, have given it the sanction of his approbation, even had it been free from the two insuperable objections that have been mentioned.

The course which the president prescribed to himself on this occasion was soon publicly known, as he had informally communicated it to Mr. Adams and another member of the senate, who waited on him with a message from that body on the last day of the session; and his conduct of course at once became a subject of newspaper attack and defence. He adverts to these criminations in his first letter to Mr. Monroe, after he received the original treaty; and says, that his reasons for writing himself, in addition to the official letters that were written by the secretary of state, were the uncommon efforts that were made by the federal papers to produce mischief between himself personally and the negotiators; and also to irritate the British government, by putting a thousand speeches into his mouth which he never uttered. He then repeats what he had said about the treaty in conversation, it not being practicable in this government to keep the public in the dark on a subject so interesting: that having in January perceived that a treaty might be signed without providing against impressment, the administration had, on the 3d of February, informed him and Mr. Pinckney that in such an event the treaty could not be ratified, and recommended that negotiations should be resumed for the insertion of such a provision; that, moreover, the written salvo of the British commissioners, would of itself have prevented the acceptance of the treaty, because its effect was to leave us bound by the treaty and themselves unbound. Nothing further

* It may be fairly presumed that Lord Grenville, who was then premier, and had negotiated the treaty of 1794 with Mr. Jay, would have been particularly unwilling to subject himself to the reproach of sanctioning a worse treaty now than he had negotiated then, or of conceding to an administration suspected of predilections for France what he had refused to another that was supposed to be friendly to England, and was avowedly antigallican.



had been disclosed; "but," he adds, "depend upon it, my dear sir, that it will be considered a hard treaty when it is known. The British commissioners appear to have screwed every article as far as it would bear; to have taken every thing, and yielded nothing." He thought, with the exception of the 11th article, the evil of all the others outweighed the good; and this article permitted the indirect colonial trade only *during the existing hostilities*, so that if peace was made the next year, we were bound to pass no non-importation or non-intercourse laws for ten years. He says if the treaty could not be made more acceptable, the next best thing was to let the negotiation die away insensibly, and, in the mean time, to agree informally that both parties should act on the principles of the treaty, so as to preserve a friendly understanding. He adds that as soon as Mr. Monroe sees the amendment of the treaty is desperate, he can follow his desire of returning home. He then renews the offer of the government of New Orleans: admits that the salary of 5000 dollars is too small, but is sure the legislature would make it adequate, if he accepted it; and says it is, in importance, the second office in the United States.

Before Mr. Madison's letter to Messrs. Monroe and Pinckney of the 3d of February was received by them, and before the one noticing the actual receipt of the treaty had reached them, there was a change of ministry in England by the death of Mr. Fox, and Mr. Canning was the secretary for foreign affairs.

In the interviews which the American ministers had with this gentleman, after the president's rejection of the treaty reached England, it soon appeared that there was little probability of a more successful negotiation; and from a view of the diplomatic correspondence between the two nations, we can hardly suppose their differences would have been adjusted, if subsequent occurrences had not presented new obstacles to such an adjustment.

Soon after an official copy of the treaty was received from the American negotiators, with their explanations, Mr. Madison, (on the 18th of March,) wrote to them to instruct them to renew the negotiation with the new ministry, on the principles

stated in his letter to them of the 3d of February; and on the 20th of May he gave them more full and precise instructions of the president's views. He says: "That you may the more fully understand his impressions and purposes, I will explain the alterations which are to be regarded as essential; and proceed then to such observations on the several articles as will show the other alterations which are to be attempted, and the degree of importance respectively attached to them.

1. Without a provision against impressments, substantially such as is contemplated in your original instructions, no treaty is to be concluded.

2. The eleventh article, on the subject of colonial trade, cannot be admitted, unless freed from the conditions which restrict to the market of Europe the re-exportation of colonial produce, and to European articles, the supplies to the colonial market.

3. The change made by the third article in the provisions of the treaty of 1794, relative to the trade with the British possessions in India, by limiting the privilege to a direct trade *from* the United States as well as *to* them, is deemed an insuperable objection.

4. Either an express provision is to be insisted on for indemnifying sufferers from wrongful captures, or at least a saving, in some form or other, of their rights against any implied abandonment.

5. Articles 18 and 19 to be so altered as to leave the United States free, as a neutral nation, to keep and place other belligerent nations on an equality with Great Britain.

6. No such alternative as is presented by the declaratory note on the subject of the French decree of November 21st, 1806, will be admissible."*

The considerations which had led him to insist on this ultimatum are then stated at great length, and followed by a particular notice of the less important parts of the treaty.

In conformity with these instructions, the American ministers, on the 24th of July, proposed in a note to Mr. Canning, a

*Wait's State Papers, Vol. VI. p. 205.

renewal of the negotiation, and submitted to him the alterations they proposed. The attack on the Chesapeake suspended the correspondence on this subject, and Mr. Canning did not reply to Messrs. Monroe and Pinckney until the 22nd of October, when, after justifying the reservation made of the right to retaliate the French decrees, and insisting that the subject of the "impressment of British seamen from merchant vessels" formed no part of the treaty, and was entitled only to a separate and subsequent discussion, he protests, in behalf of his government, "against a practice, altogether unusual in the political transactions of states, by which the American government assumes to itself the privilege of revising and altering agreements concluded and signed on its behalf by its agents duly authorized for that purpose; of retaining so much of those agreements as may be favourable to its own views; and of rejecting such stipulations, or such parts of stipulations, as are conceived to be not sufficiently beneficial to America." He therefore informs the American ministers that the proposal "for proceeding to negotiate anew, upon the basis of a treaty already solemnly concluded and signed, is wholly inadmissible."

Let us now return to the wild project of Aaron Burr. Having landed from his boats on the Mississippi territory on the 13th of January, 1807, he addressed a letter to Mr. Cowles Mead, then secretary, and in the absence of the governor, exercising the executive functions in the Territory, in which he denied all illegal purposes, and surrendered himself to the civil authority. He was accordingly recognised to appear in the highest court of the Territory. He appeared accordingly, and having succeeded in impressing the grand jury and others with his innocence so far as to escape prosecution, he moved to be discharged, but this being refused by the court, he made his escape, and was proceeding with a single companion towards Florida, as it was supposed, when his appearance exciting suspicion, he was arrested with the aid of Lieutenant Gaines and four men stationed at Fort Stoddart and by them carried on to Virginia. While his escort was proceeding to Washington they received an order from the executive to carry their pri-

soner to Richmond, as he had arrayed his forces on Blannerhasset's island, within the limits of Virginia, and he reached that city on the 26th of March. He was on the following day arrested by the marshal, on the charge of preparing an expedition against the territories of Spain, and, on an examination by Chief Justice Marshall, was admitted to bail in the sum of 10,000 dollars.

The eyes of all the United States were now fixed upon the result of his trial. The former character and station of the accused; the novelty and boldness of his enterprise; the air of mystery in which it was involved, all contributed to the excitement. Party spirit, too, always prompt to draw aliment from every thing, further heightened the interest, and sought in this affair new ground of assailing or lauding the administration. It thus became a favourite object with the federal party to obtain Burr's acquittal, and even to maintain his innocence, for the sake of thwarting the measures of the executive, and of proving the president vindictive and tyrannical. The other side felt the indignation which the schemes imputed to Burr would naturally excite, heightened by the desire of counteracting their adversaries. On this occasion the republican party possessed the same advantage over their rivals that the latter had over them in the parts they respectively took relative to the X, Y, Z despatches.

Mr. Jefferson could neither be blind nor insensible to this misplaced zeal, or its cause, and it produced a reaction in his bosom, to which, however natural and excusable in the great bulk of his party, it is to be wished that he had been superior. He felt so much anxiety to frustrate what he seemed to regard as an unprincipled determination in the federalists to screen a state criminal, and a party bias in the judges, merely because that criminal was now his enemy, that he kept up a regular correspondence with the United States Attorney, Mr. Hay, concerning the prosecution, and gave his counsel freely throughout its whole progress. There is indeed much connected with this project and its prosecution on which we cannot look back without regret, and even mortification. But on the other hand, we

must contemplate the lively attachment then manifested to the Union with unmingled satisfaction, especially as it was exhibited in that part of the country, the west, in which the sentiment was apprehended to be the weakest.

After Burr was admitted to bail, on which occasion respectable citizens of the federal party became his sureties, he was a day or two afterwards invited by Mr. W——, who was also one of his counsel, to dine with a large party, among whom was the chief justice himself, a near neighbour and intimate friend of the entertainer. ~~(who)~~ It is proper to add, ~~(that this gentleman)~~ informed the chief justice, in the course of the morning, that he expected Colonel Burr to dinner. The chief justice considered that having already accepted the invitation, it might be regarded as undue fastidiousness, and perhaps a censure on his friend, then to decline it. He accordingly went to the dinner, but he had no communication whatever with Burr; sat at the opposite end of the table, and withdrew at an early hour after dinner.* There was an evident impropriety in this association between parties thus related to the public, and to each other, and no one was afterwards more sensible of it than the chief justice himself, but it was not an act of deliberation, but merely inconsiderate. As the indecorum was noticed and severely reprehended in the republican newspapers of Richmond, and seemed to indicate an undue desire to predispose the public to Burr's favour, it no doubt contributed to increase the apprehension and alarm of Mr. Jefferson, always sufficiently disposed to judge the federal party with the same harshness that they judged him. He felt the course now pursued by his opponents the more sensibly from the reproaches cast upon the administration for its want of energy in suppressing so dangerous a conspiracy while its measures were unknown: for, as he remarks in a letter to Mr. Giles on the 20th of April, 1807: "The first ground of complaint was the supine inattention of the administration to a treason stalking through the land in

*Of these facts the first portion was derived at the time from an authentic source, and the last I state from my own distinct recollections.

open day. The present one, that they have crushed it before it was ripe for execution, so that no overt acts can be produced." But most of them went yet farther, and asserted that Burr had no hostile intention whatever against his own country, and had not meditated an invasion of Mexico, unless the United States had gone to war with Spain. It appears by Mr. Jefferson's letters to Mr. Hay, Mr. Giles, and others, that he had the most thorough conviction of Burr's guilt, and though he was afterwards acquitted by the verdict of a jury, the universal sentiment of the nation has confirmed the opinion of Mr. Jefferson.

The present occasion tended to confirm him in an opinion which he had long since entertained; that the judiciary, as well as every other branch of the government, should not be beyond the reach of the public disapprobation. He writes to Mr. Giles in April, "If there ever had been an instance in this or the preceding administrations, of federal judges so applying principles of law as to condemn a federal or acquit a republican offender, I should have judged them in the present case with more charity. All this, however, will work well. The nation will judge both the offender and judges for themselves. If a member of the executive or legislature does wrong, the day is never far distant when the people will remove him. They will see then, and amend the error in our constitution, which makes any branch independent of the nation." He denies that he had any hostile sentiment against Burr personally. He never thought him "an honest, frank dealing man, but as a crooked gun or other perverted machine, whose aim or shot you could never be sure of." Still while he possessed the confidence of the nation, he thought it his duty to respect that confidence, and treat him accordingly.

The trial of Burr commenced at Richmond on the 22nd of May, before Judges Marshall and Griffin; and to oppose the numerous and able counsel retained by Burr, the executive engaged the services of two members of the bar to assist the attorney of the United States.

In the course of the prosecution the president frequently wrote to the district attorney, Mr. Hay, upon points which were made

in court, and especially those which had any connexion with the executive; and he tells that gentleman that his object is to convey facts or observations occurring in the absence of the attorney-general, and not to impose on him the drudgery of writing answers. On the 9th of June the counsel for Burr moved for copies of certain papers in possession of the executive, which they alleged were necessary for his defence. Mr. Jefferson referring to this application, wrote to Mr. Hay, that while he reserved to himself the exclusive right of deciding what papers, coming to him as president, should be communicated, he held himself ready to furnish all that the purposes of justice might require. That he had delivered all the papers respecting the charges against Burr to Mr. Rodney, the attorney-general, to whom he refers Mr. Hay. And in a subsequent letter he professes readiness to give him, by deposition, the testimony of any of the executive officers which Burr may deem important. Having been previously served with a writ requiring his personal attendance, he excused himself from a compliance so incompatible with his official duties, and so repugnant to the intention of the constitution; and as to papers, says there was a public and a private side to the executive offices: to the latter belong mere executive proceedings, and the last are to be communicated only so far as the public interests do not forbid, of which the executive must be the judge: That this reservation is always made in applications for papers by the legislature, and he thinks the same rule was intended to prevail in the exercise of the judicial authorities.

The court having decided that the party accused had a right to summon the president generally, as well as to compel the production of papers, Mr. Jefferson, leaving the reasons against non-compliance to be considered on the return of the process, examines this opinion at some length in a letter to Mr. Hay, dated the 20th of June. He thinks that as the constitution has imposed on the president a particular set of duties, of a permanent character, it supersedes the general law which subjects him to the minor duty of giving oral testimony. That it is analogous to the case of a judge summoned from the bench by

a sheriff to aid in suppressing a riot, in which the greater duty would prevail over the less: and that it would conflict with the independence of each of the co-ordinate branches of the government of one another, if the executive were subject to the *commands* of the judiciary, and to imprisonment for disobedience. The papers asked for being furnished by the executive, the question of compelling the attendance of the president was not decided. It is, however, a power which might be so seriously inconvenient to the public in its exercise, be so liable to abuse from personal or party motives, or prove so favourable to the delay or evasion of justice, that it would seem far better that the disadvantage of written over oral evidence should be encountered in the few occasions when the testimony of particular functionaries was important, or at least that the court should have the discretionary power of receiving written testimony.

On the 23d of June, the grand jury pronounced Burr, and several of his associates, guilty of treason. He was then committed to prison, but on the representations of his counsel that the jail was likely to affect the prisoner's health, and that his counsel could not there have a free communication with him, the court allowed him to be removed to the public house he had previously occupied, and placed under a guard. This and other indulgences granted him, gave great scandal at the time to most of the republican party. On the 3d day of August, the court having adjourned to that day, he was put on his trial, and on the last day of the month he was acquitted by the jury, on the ground that this offence was not committed within the jurisdiction of the court. He was consequently discharged, and though the executive was then disposed to recommence a prosecution of his offence, which would be decided on its merits, the purpose was abandoned, in the more important concerns which afterwards engrossed its attention. Burr then sailed for England, where he was suspected of endeavouring to obtain the means of gratifying both his ambition and revenge, in again disturbing the tranquillity of the United States, or of some of their neighbours.

While the eyes of all were turned to the investigation then

going on at Richmond, public attention was suddenly diverted to an object of yet greater interest. From the moment it was generally understood that the president did not mean to ratify the treaty made by Messrs. Monroe and Pinckney, American commerce and shipping were made to feel the naval ascendancy of Great Britain more frequently and vexatiously than ever, until it at length was exhibited in an exertion of power which was beyond all patient endurance, and which electrified the nation to its remotest extremities.

On the 23d of June, the British ship of war *Leopard*, of fifty guns, Captain Humphreys, not far from the Capes of Virginia, hailed the frigate *Chesapeake*, Captain Barron, just from Hampton Roads, and having sent his boat on board, wrote to Barron that his commanding officer, Admiral Berkeley, had directed him to take any British deserters from the *Chesapeake*, by force, if necessary, and to allow on his part, of a search for American deserters. Captain Barron having refused permission to search, stated that he had instructed his recruiting officer not to enlist British subjects, and that he had no knowledge that any were on board. On this answer being received, the *Leopard* fired into the *Chesapeake*, and the latter being taken by surprise, and unprepared for action, did not return the fire, and immediately struck her flag. A boat from the *Leopard* having been then sent to the *Chesapeake*, the American officers tendered their swords to the British officer commanding, but he declined receiving them, demanded the muster roll of the ship, and having taken off four men,* whom he claimed as British subjects, left the *Chesapeake*, which then returned to Hampton roads. Three of these men had previously entered the British service, but were Ame-

*John Strahan, William Ware, Daniel Martin and John Wilson. The three first were native Americans. They had escaped from the *Melampus* while lying in Hampton Roads, in February 1806. They were demanded in March, by the British consul at Norfolk, of Captain Decatur, on a suggestion that they had entered at the rendezvous for enlistment. It appeared by a report from Captain Barron, directed at the time by the navy department, that two of those men were pressed on board the *Melampus*, while they had protections, and on that account, it is presumed, they were not given up.

ricans by birth, and had been formally demanded at Washington.

The people of Norfolk and Portsmouth unanimously passed resolutions to discontinue all communication with the British ships of war then on the coast. They requested pilots and others to withhold their services, appointed a committee to correspond with the neighbouring counties, and to invite the co-operation of the principal seaports, until reparation was made for the injury.

At Hampton, two hundred hogsheads of water just put on board a schooner for the British squadron, were destroyed by the citizens of the town. These proceedings, followed up by others of a similar character, were met in a like spirit by the commander of the British ships, Captain Douglas, who, on the 3d of July, wrote to the mayor of Norfolk, that if their resolution on the 29th, prohibiting all communication between the British consul and the ships, was not *immediately annulled*, he would stop every vessel bound either to Norfolk or out of it, as they must know he had the power to do: that the case of the deserters taken from the Chesapeake, must be decided by the two governments *alone*; and it therefore rested with the inhabitants of Norfolk, whether they should have war or peace. To this the mayor made a spirited reply, that they did not seek hostility, nor should avoid it, if the occasion required it; and he remarks that the day (4th of July) ought to prove to Captain Douglas that the American people were not to be intimidated by threats. A distinguished citizen of Norfolk was the bearer of this letter, and Captain Douglas having disclaimed all intention of menace or hostility, he was afterwards permitted to communicate with the consul by letter.

On the 2nd of July, the president issued a proclamation, in which, after reciting the outrage, he interdicts all armed vessels bearing commissions from Great Britain, from the harbours and waters of the United States, and forbids all supplies to them, and all intercourse with them, on pain of the law; and all officers, civil and military, were called upon to aid in executing

these orders. There was an exception in favour of vessels in distress, or conveying despatches.

The indignation excited by this invasion of national rights, which was heightened, no doubt, by the feeble resistance made by the Chesapeake, pervaded every part of the community, and in city, town, and country, there were meetings expressing their keen resentment, tendering their support to the government in all measures of retribution, and in the meantime discontinuing every sort of intercourse with British ships of war. On this question all parties cordially co-operated without distinction; and the country, as Mr. Jefferson properly observed, had never been in such a state since the battle of Lexington.

Nothing would have been easier than for the president to improve the present occasion into a war with Great Britain, if he had been at all actuated by the motives ascribed to him by his opponents, or if it had not been his settled policy to preserve peace as long as it could be done without dishonour. He determined, therefore, to give Great Britain an opportunity of disavowal and reparation, and to do nothing to pledge or commit the nation to war rather than to more moderate measures of retaliation. This course was in every way the wisest, for if war should be the final result, it enabled the merchants to get their property home, and gave the country time to make the requisite preparation. In the mean while the executive ordered about 2000 militia to Norfolk, to defend that place, if it should be attacked, and to enforce the interdiction of supplies to the British squadron. It further took upon itself to add to the stock of military stores, of which there was an inadequate supply in the country, before the prospect of war had still further interrupted their importation, and enhanced their price; trusting to the legislature to sanction this unauthorized expenditure. An armed vessel was also despatched with instructions to the American minister in London, to ask of the British government satisfaction for the injury, and security for the future. But as the president distinctly foresaw that the pride of the nation would probably prevent them from yielding to the extent that would be required, it was at the same time

necessary that the public mind should be kept in that state of unanimity which would be of so much efficacy in war. The course which the administration had then to steer, it must be confessed, was one of no small difficulty. Threatened with war, as the only alternative of indelible disgrace, with the nation whose friendship was of the most value, and whose enmity would be most felt; with points of irritating controversy unsettled with Spain, who was galled to see the rich domain which had been wrested from her, quietly transferred to the nation of whose vicinity and growing power she had long been jealous, and who waited only for the consent and support of France to refuse to ratify the act that so annoyed her; and France herself, the ancient friend and natural ally of the United States, now obedient to the will of a man who, debauched by the power and splendour of a throne, began already to add hatred for their free institutions to the contempt he had long felt for their peaceful pursuits. Thus beset with difficulty in every direction abroad, the president had also to contend against an opposition at home, which was supported by a large proportion of the wealth, talents, and influence of the country, and was stimulated by bitter and unrelenting hatred; for though their animosity seemed to be suspended for the moment, it would no doubt break out as soon as the first ebullition of national feeling was over. But the great mass of the yeomanry of the country yielded him their affection and confidence, and with this support he relied on his own prudent counsels to carry him through his difficulties.

Besides the militia which the executive of Virginia had been requested to detach to Norfolk, 100,000 men in the several states were required to hold themselves in readiness, by virtue of the authority given by a law of the last session; and on the 30th of July, the president summoned Congress to meet on the 26th day of October, which would be as early as would give time to hear the answer of the British government to the demand of reparation, and not late enough to allow the national ardour to cool.

Before we proceed to notice the proceedings of that body, we

may call the reader's attention to some portions of Mr. Jefferson's miscellaneous correspondence, during the year 1807, as illustrative of his opinions or character.

He projected a reform in the tariff on wines, so as to lower the duty on those of cheap quality, which change he hoped would enlarge the consumption of wine, in exclusion of whiskey, and thus at once add to the revenue of the treasury, and the sobriety of the people. He addressed a letter in June to the secretary of the treasury on the subject, in which the several wines known in the United States were arranged in a table, with the amount of their respective *ad valorem* duties.

Having received a letter from a gentleman in Richmond recommending a relation of the president's, a gentleman of great worth, to an appointment, he thus states the grounds of his unwillingness to confer offices on any of his connexions: "Bringing into office no desires of making it subservient to my own private interests, it has been no sacrifice, by postponing them, to strengthen the confidence of my fellow-citizens. But I have not felt equal indifference towards excluding merit from office, merely because it was related to me. However, I have thought it my duty to do so, that my constituents may be satisfied, that, in selecting persons for the management of their affairs, I am influenced by neither personal nor family interests, and especially, that the field of public office will not be perverted by me into a family property. On this subject, I had the benefit of useful lessons from my predecessors, had I needed them, marking what was to be imitated and what avoided."

He must have frequently heard General Washington highly eulogized for having never bestowed a public appointment on a relation, and Mr. Adams as much censured for two or three cases in which he had given offices to members of his family. This, it may be remarked, forms one of the grounds of Timothy Pickering's censures of Mr. Adams. Mr. Jefferson never failed through life to act on this principle, and, when rector of the university of Virginia, opposed the appointment of a nephew to a professorship who was every way qualified for the place, lest

it should open a door to that nepotism which has so often been injurious to literary institutions.

A young man in Philadelphia having asked Mr. Jefferson's advice on a course of political reading, and as to the manner in which a newspaper should be conducted, he good naturedly sat down to give a full answer to the other's inquiries. He thinks that there is no good elementary work on the organization of society into civil government, founded on the rights of nature. He recommends Locke, Sidney, Priestley, Chipman and the Federalist; together with Beccaria on Crimes, Smith's Wealth of Nations, and Say's Political Economy. In history he expresses his usual dread of Hume, as he thought his work intended to disguise and discredit the good principles of government, and that it is so plausible and pleasing in its style and manner, as to instil its errors and heresies insensibly into the minds of unwary readers. He fears that a newspaper which should be restrained to true facts and sound principles would find few subscribers; and he dilates on the prostitution of the press, and the utter disregard to truth commonly manifested by the newspapers. He even goes so far as to say that "a suppression of the press would not more completely deprive the nation of its benefits than is done by its abandoned prostitution to falsehood;" and he suggests as a reformation that an editor might divide his paper into four chapters. The 1st. Truth. 2nd. Probabilities. 3d. Possibilities. 4th. Lies;—the 3d and 4th division professedly for those readers who would rather have lies for their money than the blank paper they would occupy.

But his complaints seem extravagant, even as to the periodical press, and to proceed as much from the sensibility of the patient, as the aggravation of the disease. The most unprincipled paper extant communicates fifty times as much truth as falsehood, and often it is not difficult to decipher the real state of facts from the false or coloured representations which envelope it. Nor are the exaggerations, or perversions, or direct untruths contained in the newspapers a whit greater than those which partisans recklessly circulate every day, under the influence of prejudice and credulity, rather than from wilful false-

hood. They indeed, as to facts, are but the echoes of what had been spoken by others, who have ordinary claims to credit, and merely give a greater diffusion to the local rumours and opinions that have already prevailed. Their hints of meditated mischief, their suspicions of dishonesty, their criminations of motive or of conduct, and their general vituperations of character, are the reverberations of what has been already whispered in secret, and, nine times in ten, is set down to the party malice which suggested it. Now and then it happens that a plausible or well devised falsehood obtains temporary credence, and sometimes also, a just accusation is not credited, but in general, amidst all these false lights cast on objects, through all their clouds of laudatory incense, or calumnious smoke, the public are able to descry most objects in their real forms and dimensions. In spite of the conflicting testimony of witnesses, and the yet more conflicting arguments of advocates, the great tribunal of public opinion can generally discover truth, and administer justice.

It was soon ascertained that there was a want of cordiality between the two American ministers at Paris, Mr. Bowdoin and General Armstrong, which gradually ripened into an open collision; and on the suggestion of Mr. Short, still at Paris, the president thought of appointing a third minister by way of umpire; but on consulting the members of the cabinet, they did not think it advisable. It seems that on all matters of importance or difficulty, the president consulted all the heads of departments, either together or separately, and in the former case, the votes were taken, and the president counted himself as one. He states to Mr. Short that, on these occasions, neither he nor General Washington had ever exercised their controlling power as president. One of the modes by which some party writers attempted to excite jealousy between Mr. Jefferson and Gallatin was, that the former never consulted his cabinet, and especially declined consulting Mr. Gallatin, which charge is utterly inconsistent with this statement to Mr. Short.

On the 19th of June, the president congratulated Governor Sullivan, of Massachusetts, on the election of a republican executive in that state, and reciprocated the governor's wish for a

free communication between the executives of the general government and the states. He considers the federal party as "completely vanquished, and never more to take the field under their own banners." "They will now," he says, "reserve themselves to profit by the schisms among republicans, and to earn favours from minorities, whom they will enable to triumph over their more numerous antagonists." His prediction has so far received the confirmation of nearly thirty years. He excuses himself from making a tour to the north, as he had been invited to do, and modestly discriminating between General Washington and himself, adds, "I confess that I am not reconciled to the idea of a chief magistrate parading himself through the several states, as an object of public gaze, and in quest of an applause, which, to be valuable, should be purely voluntary." He intimates, however, that he might make a visit to Boston or Portsmouth after his term of office had expired, but he had made up no opinion on it.

In June he sent his grandson, Thomas Jefferson Randolph, to Philadelphia to study some branches of science not advantageously taught in any other part of the United States. Botany, natural history, and anatomy, and perhaps surgery, but not medicine, and recommended him to the attention of Dr. Wistar. He then gives his reasons for excluding medicine, and presents general views on the subject at great length, but indicating a very limited confidence in the precepts of the science. He admits that the character of some diseases and their remedies are well understood; but urges that the forms of disease and the symptoms indicating them are as various as the elements of the human body; that combinations of these symptoms, too, are so diversified, that some of them are of too rare occurrence to establish a definite disease, and to an unknown disease there cannot be a known remedy. In these cases, he says, it would be wise to trust to nature, or do nothing more than would be necessary to keep alive hope in the patient, but that the presumptuous tyro proceeds, and substitutes presumption for knowledge. He thus sketches the course of such an adventurer: "From the scanty field of what is known, he launches into the bound—

less region of what is unknown. He establishes for his guide some fanciful theory of corpuscular attraction, of chemical agency, of mechanical powers, of stimuli, of irritability accumulated or exhausted, of depletion by the lancet, or repletion by mercury, or some other ingenious dream, which lets him into all nature's secrets at short hand. On the principle which he thus assumes, he forms his table of nosology, arrays his diseases into families, and extends his curative treatment, by analogy, to all the cases he has thus arbitrarily marshalled together." He says that he has "lived to see the disciples of Hoffman, Boerhave, Stahl, Cullen, and Brown, succeed one another like the shifting figures of a magic lanthorn, and their fancies like the dresses of the annual doll-babies from Paris, becoming from their novelty, the vogue of the day, and yielding to the next novelty of their ephemeral favour. The patient, treated on the fashionable theory, sometimes gets well in spite of the medicine. The medicine therefore restored him, and the young doctor receives new courage to proceed in his bold experiments on the lives of his fellow creatures." He justly remarks that the only sure foundations of medicine are an intimate knowledge of the human body, and observation on the effect of medicinal substances, and therefore "the anatomical and clinical schools are those in which the young physician should be formed. If he enters with innocence that of the theory of medicine, it is scarcely possible he should come out untainted with error. His mind must be strong indeed, if, rising above juvenile credulity, it can maintain a wise infidelity against the authority of his instructors, and the bewitching delusions of their theories." The whole letter is very well written, is a fine specimen of popular reasoning on a scientific subject, and it is believed that there are few of its particular propositions to which the liberal minded and truly scientific physician would not readily assent, though he may not concur in its conclusions.

He had a very decided, perhaps extravagant opinion, of the mischiefs done by the rash and inexperienced votaries of medicine in the United States, and he often spoke of it, sometimes in the same strong terms of denunciation used in this letter, and

sometimes in a tone of playful raillery. Of this character was the following story, which most of his acquaintance, in the last years of his life, must have heard him tell more than once. While he was vice-president, and when Dr. Rush's eloquence had given such a currency to the practice of blood-letting, he stopt at a house of entertainment, where he learnt from the landlady that she had just returned from the funeral of a youth of great promise. After descanting on his virtues and the universal regret his death had produced, she added, "but we have the consolation to know that every thing was done for him that could have been—he was bled six and twenty times."

In the increased party heat at Richmond, occasioned by Burr's trial, it was rumoured that the collector, Major Gibbon, who had entertained some of his associates, was to be removed. Mr. Jefferson's old friend, John Page, who, at the expiration of his office of governor, had accepted the office of commissioner of loans, and then resided in Richmond, addressed Mr. Jefferson a letter on the subject of Major Gibbon.* In his answer, the president states the principles on which he had acted in making appointments and removals: That he had never removed a man merely because he was a federalist: had never wished them to give a vote at an election but according to their own wishes. But if they employed the patronage and influence of their offices against the government and its measures, he had then removed them.

On the 20th of the same month, in speaking to William Duane, the editor of the Aurora, of the probability of war with Great Britain, he thus takes occasion to make a very favourable mention of the emperor Alexander: "A more virtuous man, I believe, does not exist, nor one who is more enthusiastically devoted to better the condition of mankind. He will, probably, one day fall a victim to it, as a monarch of that principle does."

*It was of this gentleman, when some application had been made for his removal, that Mr. Jefferson, setting off his gallantry at Stony Point against his political heresies, remarked, that so far from removing him from office, he would "divide his last hoecake with him."

not suit a Russian noblesse. He has taken a peculiar affection to this country and its government, of which he has given me public, as well as personal proofs. Our nation being like his, habitually neutral, our interests as to neutral rights, and our sentiments agree. And whenever conferences for peace shall take place, we are assured of a friend in him." He adds, "I have gone into this subject, because I am confident that Russia (while her present monarch lives) is the most cordially friendly to us of any power on earth, will go furthest to serve us, and is most worthy of conciliation."

This opinion of the late emperor, in accordance with that of his contemporaries, has, it is believed, received the confirming verdict of posterity.

CHAPTER XI.

The President's Message to Congress. The attack on the Chesapeake, and measures of the administration. Proceedings of Congress. The President sends a confidential Message to Congress, and recommends an embargo—adopted by Congress. Communicates proceedings in Burr's trial. John Smith, Senator from Ohio. Correspondence between Mr. Monroe and Mr. Canning on the affair of the Chesapeake. Arrival of Mr. Rose from England. Correspondence between him and the Secretary of State. Party views. British orders in council. Milan Decree. Mr. Madison and Mr. Monroe rival candidates for the presidency. Mr. Jefferson's course. His correspondence with Mr. Monroe. British orders in Council and French Decrees. Report of Committee of Congress. Effects of the Embargo. Its policy considered. Policy of the administration.

1807—1808.

The tenth Congress assembled on the 25th of October, 1807, and on the following day the president sent to both Houses his opening message. He began by adverting to the reasons which had occasioned this early summons of the legislature. He speaks of the injuries which had led to the extraordinary mission to London, and briefly notices the treaty the ministers had been induced to make against their instructions, and the general character of the objections to it, which had induced his prompt rejection of it. That the ministers had been therefore instructed to renew their negotiations, and whilst we were awaiting the result, the frigate *Chesapeake* was attacked by

an order from a British admiral. He then mentions the measures taken by the government.

He said that these aggressions of the British continued by their ships remaining within our waters, by habitual violations of its jurisdiction, and by putting to death one of the four men taken from the Chesapeake. That it had moreover interdicted all trade by neutrals between ports not in amity with them, by which, as they are at war with nearly every nation on the Atlantic and Mediterranean, our vessels were compelled either to sacrifice their cargoes at the first port, or return home without a market. Our differences with Spain were still unsettled. To former causes of complaint was then added a decree similar to that of France, of Nov. 21, 1806. With all other powers our relations were pacific, though with some of the Indian nations of the north-west, fermentations were observed soon after the attack on the Chesapeake. The money appropriated for fortifications had been expended on New York, the Chesapeake, and New Orleans. The gunboats had been chiefly assigned to the same places, and he suggests that the seamen of the United States should be formed into a special militia for manning the gunboats. He also informs them that as soon as peace was endangered, he had deemed it prudent to provide military stores, without waiting for the previous sanction of law, which course he trusted they would approve: that he had called on the states for quotas of militia to be in readiness for present defence, and volunteers had offered themselves with alacrity. He mentions the measures taken to defeat Burr's enterprise, and their success: and adds, that he should lay before them the proceedings of the court which tried the principal offenders, that they might be "enabled to judge whether the defect was in the *testimony, the law, or in the administration of the law, and apply or originate the remedy.*"

The receipts into the treasury for the preceding year had amounted to near 16,000,000 dollars, which, with the money previously in the treasury, had been sufficient, after paying the expenses of the government, to discharge more than 4,000,000 of the debt, being all which was then redeemable, and left in

the treasury 8,500,000 dollars, a part of which he suggests might be applied to the purposes of national defence.

In the House that part of the message which related to aggressions by foreign armed vessels within our ports and waters, and to measures necessary for defence, was referred to a committee, who, on the 17th of November, made their report, in which, after detailing the circumstances of the attack of the *Leopard* on the *Chesapeake* frigate, and the result, say, that until the answer to the demand that had been made for reparation was received, and it was seen whether the outrage received the sanction of the British government or not, they decline recommending the course proper to be pursued. But, in the mean time, as there had been repeated aggressions before and since, within our waters, by capturing vessels, impressing seamen, and denouncing threats against the inhabitants, they think it expedient to provide more effectually for the protection of the ports and harbours; and they formally declare the attack on the *Chesapeake*, and the subsequent continuance of the British squadron in the waters of the United States, after the president's proclamation, to be flagrant violations of their jurisdiction.

On the 18th of December, the president, in a confidential message, transmitted to both Houses a proclamation of the king of Great Britain, dated the 16th of October, 1807, in which all "British seamen in foreign service, whether on board of public or merchant ships, are required to return home, and all commanders of ships of war are commanded to stop all such persons who shall be so employed on any foreign merchant ship, but to commit no unnecessary violence to the vessel or rest of the crew: and to demand of foreign public ships any British subjects serving on board, and, in case of refusal, to communicate it to the British minister resident, or the lords of the admiralty." This class of persons are further warned that letters of naturalization, granted them by foreign states, could not divest them of their natural allegiance, but a pardon was granted to those who should withdraw themselves from the foreign service, and return to their allegiance, and those who continued in such service

shall be proceeded against; and those who enter into the service of any state at war with Great Britain, are declared guilty of treason.

He transmitted at the same time the official interpretation which the Emperor of France, on the 18th of September, 1807, made of the Berlin decree, wherein he declared, it was said, that French armed vessels might seize on board neutral vessels not only English property, but all English merchandise proceeding from English manufactories or territory; and that he merely postponed the question whether neutral vessels with or without English merchandise on board, should be captured when proceeding to or from England.

In addition to the information thus transmitted to Congress, the president had another and yet stronger motive for recommending the embargo. The government had received information through an authentic private channel, that the British ministry had issued an order against neutral commerce, in retaliation of the Berlin decree: which information was confirmed by a ministerial English newspaper received at the same time.*

In consequence of these hostile edicts, so ruinous to American commerce and seamen, he recommended to Congress an embargo on all vessels of the United States. The subject was immediately discussed in both Houses in secret session; and a bill laying an embargo was passed on Monday the 22nd, at 11 o'clock at night, by a vote of 82 to 44. A similar bill had received the sanction of the Senate on the very day the subject was introduced, by a vote of 22 to 6. According to this bill, all

*These facts are stated on the authority of Mr. Madison. It was to these he alluded in his correspondence with Mr. Pinckney, American minister at London, when he says, "among the considerations which enforced it, [the embargo] was the probability of such decrees as were issued by the British government on the 11th of November." But I am not confident whether he said that the newspaper contained the actual order in council, or merely gave clear intimations of it. Further evidence of this matter, which had formed a topic of party reproach, will probably be found among Mr. Madison's papers, that constitute, probably, the most valuable repository of political information in the United States.

American vessels were prohibited from sailing from foreign ports, all foreign vessels from taking out cargoes, and all coasting vessels were required to give bond to land their cargoes in the United States.

The embargo was violently opposed by the federal party and their new associates. Nor was there the same unanimity in the rest of the nation concerning this measure as there had been for retaliating the attack on the Chesapeake. Some thought that it would have been prudent to allow foreign ships to export American products, whereby the most important benefits of foreign commerce would be preserved to the country, and the loss arising from the unprincipled spoliations of the belligerents be avoided. The complaints of the total stop that was thus put to foreign commerce were, however, at first, neither very violent nor general; but all were disposed to hope for a favourable result from a measure which, if it was seriously felt by the United States, was believed also to be still more seriously felt by their enemies.

On the 23d of November, the president sent to both Houses a detailed account of the proceedings in the trial of Burr and his associates, for the consideration of Congress. The purpose for which, in his opening message, he had stated he should do this, had been peculiarly offensive to the federal party, and had been unacceptable to many of the republicans, because they understood that part of the message as intended to cast censure on the chief justice, and such were the mild, unassuming virtues, and the remarkable simplicity of manners and character of this eminent man, that the affection with which he inspired all his acquaintance was, perhaps, yet greater than their respect for his talents.

Among the persons involved in Burr's scheme was John Smith, a senator from Ohio. He was one of those against whom the grand jury had found a true bill at Richmond. As soon as he attended the Senate, November 27th, a committee was appointed to inquire whether he should be permitted to hold his seat in that body. On the 31st of December, the committee having made a report against him, he was allowed to defend

himself against the report there adduced, by counsel, and by adducing testimony, both written and oral. After the evidence was heard, and several postponements of the investigation at his instance, the question of his expulsion was taken on the 9th of April, when, there being 19 yeas and 10 nays, and consequently not two-thirds for his expulsion, it was determined in the negative. Notwithstanding this narrow escape, he kept his seat and voted during the remainder of the session, but on returning home he sent in his resignation.

On the 25th of July, the day after Mr. Canning had received the proposal of the American ministers to renew the negotiation for a treaty, he informed Mr. Monroe, in a note, of a transaction off the coast of America, between a ship of war of his Majesty and an American frigate, in which some lives were lost, on board the frigate, expressed his sincere concern for the result, and assured him that if the British officers should have been culpable, the most prompt and ample reparation should be afforded.

On the 27th of July, Mr. Monroe acknowledged Mr. Canning's note, which gave him the only information he had of the transaction mentioned, and expressed, with his regret, his satisfaction that the occurrence was unauthorized; and two days afterwards, he tells Mr. Canning that though, without instructions from his government, he feels it his duty to mention the attack on the Chesapeake, the particulars of which he states, he forbears to mingle other causes of complaint with this, and trusts that the British government will promptly disavow the act, and give assurance that the officer who is responsible for it will receive punishment.

Mr. Canning replied on the 3d of August that, after the assurance he had already given that his majesty's readiness to make reparation for any injury done to the sovereignty of the United States, as soon as it appeared such reparation was due, he was surprised at the tone of Mr. Monroe's note. He declares that his majesty has never maintained the right to search ships of war for deserters, and if it should appear that the act rests solely on this pretension, his majesty has no difficulty

in disavowing the act, and in manifesting his displeasure. In conclusion he remarks, that as Mr. Monroe does not think the present a proper occasion to mingle other causes of complaint with this, he laments that he did not abstain from alluding to them.

The next day, August 4th, Mr. Monroe communicated to his own government what had passed between him and the British minister: He adds, "Such is the state of the country at the present crisis, that it is impossible to foresee what will be its course of conduct towards the United States. There has been at all times, since the commencement of the present war, a strong party here for extending its ravages to them. This party is composed of the ship owners, the navy, the East and West India merchants, and several political characters of great consideration in the state. So powerful is this combination, that it is most certain that nothing can be obtained of the government on any point but what may be extorted by necessity."

On the 8th of August, Mr. Canning inquires of Mr. Monroe whether the president's proclamation, which appeared in an unofficial paper, was authentic, and whether the government of the United States meant to carry it into effect, without waiting for an explanation on the part of the British government. Mr. Monroe replied the next day that he had not yet received any instructions from his government, but would give full information as soon as it was obtained. Mr. Monroe having at length received instructions, had an interview with Mr. Canning on the 3d of September, and on the 7th, formally opens the negotiation by letter, and asks reparation, which he enforces by various arguments and considerations.

Mr. Canning replies on the 23d. Adverting to the president's proclamation, he insists that so far as the United States have taken measures of retaliation into their own hands, so far may the British government take those measures into account in the estimate of reparation. He inquires also whether the proclamation would be withdrawn on the king's disavowal of the act. He says that the circumstances which may have led admiral Berkely to commit an act of hostility, if they "cannot justify,

may possibly extenuate it," and consequently make a part of the present question; for if the men taken were British subjects, the refusal to deliver them up might be regarded as an act of hostility by the United States, and though the act of the British officer would still be unauthorized, it would materially affect the question as between government and government. He regrets that Mr. Monroe has mingled with this subject, that of the impressment of seamen from merchant vessels. He nevertheless, does discuss it, and justifies the practice on usage and reason. He alleges that his government has no indisposition to discuss, at a proper time, the regulations which may preserve the rights of Great Britain, and guard the United States against their abuse; but he suggests that the adjustment of the present difference, and the healing of the national honour, ought not to be dependent on the settlement of a question which has hitherto been found so difficult. He then states that he is prepared to discuss the case of the Leopard and Chesapeake, and if Mr. Monroe could not discuss this subject separately, without blending with it the right of searching merchant vessels for deserters, however Great Britain may be disposed to enter into the latter discussion at a proper time, its consent to enter into it cannot be extorted as the price of an amicable adjustment. In that case, it would be unavailing for the present, to continue the discussion, and a minister would be forthwith sent to America with instructions for bringing this dispute to a conclusion, but without power to treat of the subject of searching merchant vessels.

On the 29th, Mr. Monroe replied that his instructions implicitly required him to blend the two questions, which were deemed inseparable for any useful purpose, especially as in this way alone could a remedy be provided for the injuries of which both parties complain. The proclamation is accounted for and justified by the repeated violations of neutrality committed before and after the attack on the Chesapeake. They were measures of precaution and not of retaliation. He has no objection to the sending a minister to the United States, and would apprise his government of it.

This correspondence terminated the mission of Mr. Monroe,

who, having no hopes of concluding a new treaty, or even of obtaining reparation for the attack on the Chesapeake, left London early in November, and reached Richmond in December, during the session of the general assembly. As he had been very popular, while he was governor of the state, he met with a cordial reception from the members of the legislature, from the people generally, and more especially from those who had preferred him to Mr. Madison for the presidential chair. These consisted of the discontented members of the republican party, and a few warm personal friends, who were determined diligently to improve the kind feelings called forth to welcome his return, and to spare no efforts to advance his claims to the presidency.


Nearly at the same time, a minister from England, Mr. Rose, arrived at Norfolk for the avowed purpose of adjusting the misunderstanding relative to the Chesapeake. He remained some days on board the frigate which brought him over, and then took passage in a packet for Washington.

On the arrival of the English envoy at Washington, he addressed a letter to Mr. Madison, secretary of state, in which he stated that he was precluded by his instructions from entering on the subject of reparation until the president's proclamation was withdrawn, as injurious in its effects, and which, if persevered in, evinced a spirit of hostility: and that from the orders to navy officers in the king's proclamation of the 16th of October, there is no grounds for the interdiction of British vessels by way of precaution. He objects to mingle any other discussion with the encounter between the Leopard and the Chesapeake, and says Mr. Monroe had originally assented to this course.

Mr. Madison replied on the 5th of March. He said that before the proclamation could be considered, satisfaction should be made for the aggression which preceded it. This was agreeable to the order of time, of reason, and of usage, and maintained by Great Britain herself, in analogous cases. But as Mr. Rose had offered explanations, it accorded with the candour of the president to review them. The several aggressions which

occasioned the proclamation are then noticed in detail. [The case of the Cambrian, Captain Bradley—of the Leander, Captain Whitby, and the Leopard, as well as the subsequent conduct of Captain Douglas.] He urges that the president, having felt himself thus obliged to resort to this precautionary measure, lost no time in representing it to the British government, and to ask reparation, and he had the greater reason to expect it from the course pursued by Great Britain herself, who, on similar occasions, had always required things to be replaced in their former condition before counter complaints were heard. The example of Turk's Island, in 1764, of Nootka Sound, in 1789, and of the Falkland Islands, in 1770, were adduced. Reasons are then assigned why the subject of impressment generally should be associated with reparation. 1. Because the two subjects rested on kindred principles. 2. From the desire to improve a particular incident into an occasion of restoring harmony, and 3. Because the liberal character of the propositions intended to be made, could not have failed to meet the concurrence of the British government. He regretted that the step he had taken for a more enlarged accommodation, should become a bar to the adjustment of the more recent cause of difference. He was, however, consoled with the hope that, on the arrival of a special mission, the adjustment of one of the great points in controversy might be confidently expected: and the president, to facilitate this object, having consented to separate the two subjects, he sees with surprise and regret that the first step towards the adjustment was to come from us.

The grounds on which the requisition is made, are then examined. The disavowal; the assurances that the reparation will be satisfactory; and that the continuance of the proclamation was an act of hostility, and they are shown not to warrant the demand. On these grounds the president might have closed the negotiation with the reply first given, but anxious to testify his moderation and restore harmony between the two nations, he is willing, on Mr. Rose's disclosing the terms of reparation which he thinks will be satisfactory, and their appearing to be so, to make the repeal of the proclamation of the same date as



of the reparation. The hope is expressed that he may find, on a reconsideration of his instructions, that they allow him to take this course.

Mr. Rose, on the 17th, answered, that on giving the subject the fullest consideration, he must decline the negotiation on the terms offered, as contrary to his positive instructions, and that as the terms proposed by him are rejected, his mission is terminated.

With a view of removing all misapprehensions of his majesty's demands, he reviews the transaction which has occasioned these discussions. He insists that the disavowal of the act was sufficient to cause the revocation of the proclamation, which, if justifiable in the first moment of irritation, could not be continued except in a spirit of hostility; that, either as a measure of retaliation, or a means of compelling reparation, it was inadmissible; and as a measure of precaution against acts of violence apprehended, it could not give as effectual security as is afforded by his majesty's assurances of his friendly disposition, by his disavowal, and by his orders to his officers. If these securities are of any value, the necessity for further precaution does not exist, if they are of none, then that mutual confidence is wanting, without which there can be no negotiation.

He vindicates the conduct of the naval commanders in these waters since the affair of the Chesapeake, as indicating forbearance, and as justified by the fact that an enemy's squadron was harboured in them. He maintains that the course formerly pursued by Great Britain was regulated by the same principles as at present—she refusing to treat so long as hostility was manifested towards her. He states the reasons why the affair of the Chesapeake was considered as the cause of the proclamation, on the offensive tone of which he animadverts: and that if other alleged injuries also constituted a part of the ground, then it ought to have been so stated in the demand for reparation in September last, especially as the proclamation had been the subject of remonstrance by the British envoy at Washington. After this it neither could be expected that the proclamation would be overlooked, nor after what had passed between Mr. Monroe and

Mr. Canning, that the American government would blend other subjects with the discussion of this; especially too as in such cases public ministers have been generally restricted to the precise matter of difference. He forbears, therefore, to make those comments on the transactions referred to by Mr. Madison, which his personal knowledge would enable him to do. For the same reason he forbears to discuss the right of searching merchant ships for British seamen, a claim which Great Britain has always asserted, and founds on a principle of universal law. He says that the other topics in his previous letter were urged by him as proofs of his majesty's amicable disposition, but not as foundations of right, on which he rested his claim to the revocation. He denies that the first step in the proposed adjustment is to be taken by the United States, as that had already been taken by Great Britain. He had transmitted to his government the exposition views contained in Mr. Madison's letter, and it would be for them to determine what obligations remain to be fulfilled by her, whether her conduct has justified the continuance of a hostile edict, and whether the present negotiation ought to be resumed. This letter closed the correspondence, and Mr. Rose, about the last of March, embarked for England in the same frigate which had brought him out.

The two parties divided on the subject of this correspondence, as on every other political question, and while most of the federal party thought the administration wrong, in not promptly revoking the proclamation, there was, perhaps, not one of the republican party who did not think it right. The former renewed their oft-repeated complaint that Mr. Jefferson was indulging his ancient animosity against England, and furthering the views of France; and that the embargo lately resorted to was recommended to the majority chiefly by its operating more injuriously on England than her enemies. It was, however, soon manifest to all that had this matter been adjusted, it would have done but little towards removing the difficulties in which the country was involved in its foreign relations. France and England, in their deadly conflict, had now adopted a new course of policy towards neutrals, and instead of either of them trying to con-

ciliate their favour and appropriate to itself the benefits of their trade and friendship, they seemed to vie with each other who could commit the most flagrant violations of the neutral's rights, and if they could thereby not compel him to take sides in the war, how they might, by preying on his commerce, most profit by his neutrality.

On the 2nd of February, the president communicated to both Houses the orders in council passed by the British government the 11th of November preceding. By the most important of these orders, that of which the administration had been for some weeks unofficially informed, all the ports of France and her allies, and those from which the British flag was excluded, were subjected to the same restrictions as if they were in a state of blockade. All trade in the produce or manufactures of such ports and places, was declared unlawful, and vessels engaged in it are declared lawful prize, with the single exception that neutrals were permitted to transport certain merchandise from such ports to British ports, or for their own consumption. By another order of the same date, a general trade between Great Britain and the ports of her enemies is allowed to nations in amity with her; and by a third, the sale of ships by a belligerent to a neutral is declared illegal.

By the first order all trade with the ports of an enemy was forbidden, except 1. Trade to and from those ports direct to the ports of a neutral, and from British free ports so far as their regulations permit. 2. Trade from or to ports of Great Britain, Gibraltar or Malta, or ports of his majesty's allies. 3. Vessels having on board "certificates of origin," required by French regulations. The object of this order was to interdict all trade with France, except what was wanted for the consumption of such neutral country, or was carried on from Great Britain. The object of the second order was to repeal the navigation law, so far as to allow any foreign vessel to import into Great Britain articles of the growth or manufacture of an enemy's country, and there pay a duty; and to re-export all merchandise so exported, except sugar, coffee, wine, brandy, and tobacco. All the orders professed to be retaliatory.

France finding her utter disregard of neutral rights thus imitated and counteracted by Great Britain, on the 17th of December issued a decree, which went a step farther, and virtually interdicted all neutral trade whatever. This was the Milan decree, so called like the Berlin decree, from the place where it was issued by Napoleon. After referring to the British order of the 11th of November, and commenting on its effect in giving to Great Britain the unlimited dominion of the ocean, it declares that whatever vessel submits to be searched by an English ship, or to a voyage to England, or shall have paid any tax, is thereby *denationalized*, and the same, wherever found, whether in port or at sea, are declared lawful prize, as are also all vessels sailing to or from British ports. These decrees are to be abrogated as soon as England returns to the principles of the law of nations. Spain soon afterwards passed similar decrees. And they were communicated to Congress by the president on the 17th of March, 1808.

On the 22nd of March, the president transmitted to both Houses the correspondence between Mr. Madison and Mr. Rose, the instructions to Messrs. Monroe and Pinckney, and their correspondence with Mr. Canning. He at the same time sent all the papers connected with the relations between the United States and France, and referring to his former requests that the part of these papers formerly communicated should not be published, as tending to check the freedom of communication, he says that as this caution has furnished occasion for disseminating unfounded suspicions, he requests that the whole might be published.

Among the other sources of embarrassment and vexation which assailed Mr. Jefferson at this time, was the coolness which naturally arose between Mr. Madison and Mr. Monroe, in consequence of the relative positions they occupied as rival candidates for the presidency. Mr. Monroe's claims being earnestly pressed by the republican minority, and a few warm personal friends, soon after his arrival, both parties in the legislature prepared for a trial of strength, after the usual efforts to operate on the minds of the members, as well as of the public, by news-

paper essays, and by personal influence; and on the 23d of January, the friends of each in the legislature of Virginia separately assembled; those of Mr. Monroe at the capitol, and those of Mr. Madison at the Bell tavern, when it appeared that of the whole number at the latter place, 124 were in favour of Mr. Madison, and of the 57 at the capitol 47 were for Mr. Monroe and 10 for Mr. Madison. This was decisive of the sentiments of Virginia, as well as of the pretensions of Mr. Monroe, since it was known that, without the vote of his own state, he could not possibly succeed.*

It appearing that nearly all the supporters of the administration were in favour of Mr. Madison, Mr. Monroe, with others, naturally inferred that Mr. Jefferson had the same preference, and he regarded it as inconsistent with his equal claims to Mr. Jefferson's friendship. As the warmest of his partisans were also disaffected towards the president, they did all they could to widen the breach, and represented him as influenced by a systematic design of making Mr. Madison his successor, in rejecting the British treaty, in prolonging Mr. Monroe's stay in England, and in other executive measures. The publications which were daily appearing in the journals had a direct tendency still further to foster these feelings of jealousy, and it was Mr. Jefferson's wish to discharge the duties of friendship to Mr. Madison without violating those that were due to his competitor.

In a letter of the 18th of February from Mr. Jefferson, concerning some articles which Mr. Monroe had purchased for him in England, he thus adverts to the subject: "I see with infinite grief a contest arising between yourself and another, who have been very dear to each other, and equally so to me. I sincerely pray that these dispositions may not be affected between you with me I confidently trust they will not. For independence of the dictates of public duty, which prescribes neutrality—me, my sincere friendship for you both will insure its sac-

* A *caucus* of the republican members of Congress was held on the same night at Washington, when James Madison received 83 votes, George Clinton 3, and James Monroe 3.

observance. I suffer no one to converse with me on the subject. I already perceive my old friend Clinton estranging himself from me. No doubt lies are carried to him, as they will be to the other two candidates, under forms which, however false, he can scarcely question. Yet I have been equally careful as to him also, never to say a word on this subject." After guarding him against the effect of political controversy in separating friends, and speaking of his own wish for private life, he adds: "But my wish for retirement is not stronger than that of carrying into it the affections of all my friends. I have ever viewed Mr. Madison and yourself as two principal pillars of my happiness. Were either to be withdrawn, I should consider it as among the greatest calamities which could assail my future peace of mind."

Mr. Monroe having soon after answered this letter, and expressed without disguise his sense of ill treatment, Mr. Jefferson, in reply, adverts to his several causes of complaint in detail. 1st. As to the appointment of an associate in the mission of England. This, he says, has been the general practice of the government, and that all great occasions had produced extraordinary missions, yet he himself was opposed to it in Mr. Monroe's case, and only yielded to what was informally intimated to him as the wish, first of the Senate, and that not proving sufficient, then of the members of the House; and it was wished, partly on account of the effect it would be likely to have on the British government, and partly because it would lessen the responsibility in case of a failure. 2nd. As to the manner in which the treaty was received. He disclaims the newspaper accounts, and affirms that, while he from the first declared that it would not be submitted to the Senate, because it contained no provision against impressment, he had never failed to justify the negotiators by expressing his conviction that it was all that could be obtained, and by stating that as they had informed the British commissioner their government could not be pledged to ratify it, it could, therefore, be regarded only as a *projet*. That it had not been made known, and would not now have been given to the public if it had not been previously communicated from England. He

then cautions him against listening to the malignant suggestions of party rancour. "I perceive, he says, that the most insidious falsehoods are daily carried to you, as they are brought to me, to engage us in the passions of our informers, and stated so positively and plausibly as to make even *doubt* a rudeness to the narrator; who, imposed on himself, has no other than the friendly view of putting us on our guard. My answer is invariably, that my knowledge of your character is better testimony to me of a negative, than any affirmative which my informant did not hear *from yourself* with his own ears. In fact, when you shall have been a little longer among us, you will find that little is to be believed which interests the prevailing passions, and happens beyond the limits of our own senses. Let us not then, my dear friend, embark our happiness and our affections on the ocean of slander, of falsehood, and of malice on which our credulous friends are floating."—He thus asserts his neutrality. "In the present contest in which you are concerned, I feel no passion, I take no part, I express no sentiment;* whichever of my friends is called to the supreme cares of the nation, I know that they will be wisely and faithfully administered, and as far as my individual conduct can influence, they shall be cordially supported."

His communication on the 22nd of March, of the correspondence with Mr. Rose the British envoy, was a refutation of the false representations which the federal papers had made of the cause of his failure, and which had received the countenance of some of the opposition members; and in noticing this matter to Mr. Lincoln, he tells him that the embargo appeared to be approved even by the federalists, in every quarter except Massachusetts. He then considered that there was no alternative between the embargo and war, and that when Congress met in the following December, if France and England persisted in their decrees and orders, "they would have to decide

* He is, however, careful not to say that he had no preference: for it can scarcely be doubted that he thought Mr. Madison had prior claims to those of Mr. Monroe, if upon no other ground, at least upon that of seniority.

—at what point of time the embargo continued becomes a greater evil than war.”

On the 30th of March, the president sent a confidential message to Congress upon the subject of our relations with England and France, but he, four days afterwards, suggested to the two houses the expediency of making a part of them public, as he believed that the confidence and union of the people would be strengthened by their publication. These documents were a letter from M. Champagny to General Armstrong, and another from Mr. Erskine to the secretary of state.

Mr. Erskine's letter is dated Feb. 23, 1808. He transmits the orders in council which have been mentioned, and says that his majesty had hitherto forbore to recur to measures of retaliation in the expectation that neutral nations would have resisted the French decrees. That he would have been justified in declaring the coast of all France and her allies in a state of blockade, but being desirous of lessening the inconvenience to neutrals, as far as the principle of retaliation would permit, he had made many material exceptions in their favour, so as to allow of an unrestricted trade between the United States and the colonies of the enemy, which was a concession of general belligerent right. The exportation of the colonial produce of the enemy, instead of being altogether prohibited, according to the example of France, was permitted to the ports of Great Britain, and a re-exportation was also permitted on the payment of a duty. The object of this duty was to prevent the enemy from obtaining the produce of his own colonies cheaper than that of the British colonies. America has no other interest in this than in advancing what she could afterwards indemnify herself for. Another relaxation was, that all American products, except cotton, might be imported into France through the British dominions without a duty. He then contrasts these orders with the French decrees as to their operation on neutrals. He expresses the earnest desire of his majesty to see the commerce of the world restored to its ancient freedom.

Mr. Champagny's letter to General Armstrong is dated January 15, 1808. He justifies the French decrees by the course

pursued by England; and he asks, since England respects no law, how they could be respected with regard to her? He says that the United States have, more than any other power, cause of complaint against her; and since the order of the 11th of November, the emperor had no doubt of a declaration of war against her by the United States. That it was peculiarly their interest to cause the maritime law to be re-established. War then in fact existed between England and the United States, and his majesty considered it as declared from the day on which England published her decrees. Under that persuasion he had not taken any definitive measures towards the American vessels brought into French ports. They were merely sequestered "until a decision could be had thereon, according to the dispositions which should be expressed by the government of the United States."

The committee to whom these documents, in addition to the correspondence concerning the affair of the Chesapeake, were referred, on the 16th of April made a report, in which they take a review of the several injuries sustained by the United States from the belligerents of Europe, and they notice 1. The British order of June, 1803, unlawfully restricting the trade of the United States. 2. The condemnation of American vessels under the rule of 1756, and remark that though the decisions under this rule had varied in their admiralty courts, there were still heavy claims for indemnity. 3. Blockades not warranted by the law of nations, (which are specified.) 4. Blockades by British naval commanders. 5. The proclamation of October preceding, which authorized the impressment of British seamen from American vessels.

The illegal decrees of the French government are then noticed, the first was a decree of General Ferrand at St. Domingo. This decree was the pretext of the British orders of January, 1807, and November, 1807. These again had been followed by the French decree of December the 17th.

These measures made it the duty of Congress to interpose, and they examine five several expedients:

1. Protection of commerce by ships of war.
2. Protection by armed vessels.

3. A war of offence as well as defence.
4. A general suspension of foreign commerce.
5. An embargo on ships, sailors and merchandise.

Adverting to the last measure, which had been adopted and continued by reason of the measures anticipated from the belligerents, they say its expediency was proved by the number of American vessels captured before they could get into port. The other expedients are then considered, and they recommend, for the present, a continuance of the embargo; but as a juster conduct on the part of the belligerents might render it unnecessary, they further recommend that a power of suspending it be vested in the executive, until the next session of Congress.

Before Congress adjourned, they passed a law authorizing the president to suspend the embargo act, in the event of a peace between the belligerents of Europe, or "if such changes in their measures affecting neutral commerce took place," as might "render that of the United States sufficiently safe."

This law was passed because some hope was then entertained that a peace between France and England would be effected by the intervention of Austria. An intimation had been given by Napoleon that France would not require England to renounce her maritime principles, nor would France renounce hers, but the question might be passed over in silence.

While the majority of the American people approving the course pursued by their government, were waiting the effects of this suspension of foreign commerce, and hoping that in depriving the belligerents of the benefits of their trade, they would be made to share in the evils of their injustice, and thus be induced to change their course, the inconvenience felt by the people of the United States from their own remedy was extreme, and put their patriotism and firmness to a severe test. Dependent as we were on foreign markets for the sale of our redundant products, now that we were not permitted to export them, they fell to half their wonted price, and even less. To many of the producers, they did not repay the cost of production. The supply of foreign merchandise, too, which habit had made necessary, and of which there was no domestic supply, or an insufficient one, being

cut off, its price rose proportionally high, and thus the expenses of the agricultural classes increased in the same proportion that their means of defraying them diminished. It bore still harder on the sailors and ship owners, who were thrown entirely out of employment, and here the pressure was most severely felt in the states that were most addicted to navigation, for while it deprived the agricultural states of foreign merchandise, it deprived the navigating states of the means of making a livelihood. It is true it operated as a bounty on manufactures by making them scarcer and dearer, but this at first benefitted but a small proportion of the community, both because men cannot suddenly change their habits, and because for many of the most essential manufactures we had as yet neither the skill nor the materials, and years of privation were to be endured before they could be supplied.

It is true also that the embargo was of great temporary advantage in preserving the vast amount of American property then afloat on the ocean from the licensed freebooters of England and France, until the country could decide on its course of policy and provide for it. It was also severely felt by the belligerents, and especially by England. Her West India colonies had been in the habit of receiving most of their products of agriculture from thence, and it was supposed that a supply from any other quarter was impracticable, without ruin to the planter. The United States were the most extensive and profitable of all the customers of Great Britain, and the loss of her trade must be grievously felt by her manufacturers: yet as it was known that the measure meant to bear on them was also severely felt by us, they were led to expect that this severity of its pressure would compel its repeal; and thus it was a trial between two nations who could suffer longest. In this contest, however, we lay under a disadvantage, which did not seem to have been fairly appreciated either by the government or the people; for, in the first place, we deprived Great Britain of the trade of only one nation, while we deprived ourselves of the trade of all: and in the next, in consequence of the trade remaining to Great Britain, she was able to find substitutes for the articles formerly fur-

nished her by the United States, but we deprived ourselves of the means of finding substitutes for theirs: thus our adversaries could procure cotton from Brazil, Egypt, and the East Indies, tobacco from South America, naval stores from Sweden, lumber from Nova Scotia, grain from the Baltic, though at a greater cost; but we, exporting nothing, were unable to import the woollens, linens, silks, hardware and pottery, to which we were accustomed, and which we had not yet learnt to make.

There was also this less obvious disadvantage attending our policy. Trade thus forcibly driven into new directions would gradually wear away the first obstacles and make a smooth channel for itself, which it might afterwards spontaneously retain; and the West India colonies themselves, stimulated by their necessities, might find themselves possessed of resources of which they were previously not aware, and which they might be disposed to cherish, on account of their being less precarious. They might think that some additional pecuniary cost was well exchanged for the greater uniformity and steadiness of supply. This change did in fact take place, and it was long after the peace, before the West Indies furnished as extensive a market for American products as before the embargo. If its effect, as a measure of coercion, or as a means of appealing to the interests of Great Britain, was doubtful, it was clearly the most injurious expedient as a mere question of profit and loss. Whatever were the hazards of capture from the arbitrary edicts of the belligerents, they could be fairly estimated by the merchants, and would be a tax upon his foreign adventures, whether he paid for insurance, or was his own insurer. And no branch of commerce would be begun, certainly none would be persevered in, if it would not bear this charge. To prohibit the merchants, therefore, from employing their capital in this way, was to withhold from them a profit within their reach, and was so far an injury not only to them, but to the whole class of their customers, whether producers or consumers. It was further injurious, as by reason of the low price of domestic products, compared with their prices abroad, and the enhanced price of foreign merchandise, it greatly increased the profits of

illicit trade, and consequently the temptations to engage in it, so that the loyal and patriotic merchant saw himself interdicted from the pursuit of his vocation, merely that the fraudulent smuggler might be enriched.

It must, however, be recollected that the measure was defended by its advocates not as the most profitable, but only as preferable to war, since submission to the insolent abuses of power by the belligerents, the only other alternative, was defended by no one. It was therefore thought better to bear the evils of the embargo, for a time, serious as they were, than to resort to war. There was a chance that those nations would abandon their lawless pretensions when they were found hurtful to themselves as well as their enemies. There was also a chance of peace; and it was distinctly foreseen that beyond a limited time, war would be the preferable, as well as certain expedient. It is yet believed by some that, if persevered in a little longer, the first of these expectations would have been realized.

All these evils began to be sensibly felt in a few months after the embargo was laid, and their pressure was steadily increasing. In the violent opposition it produced, joined to the general antipathies of party, pains were taken to prove in the opposition journals that it operated more severely on us than on foreign nations. This was so natural a consequence that it might be regarded as one of the inherent defects of the policy. It was in reference to this course that Mr. Jefferson remarked in a letter to Dr. Leib, on the 23d of June: "They (the federalists) are now playing a game of the most mischievous tendency, without, perhaps, being themselves aware of it. They are endeavouring to convince England that we suffer more by the embargo than they do, and that if they will but hold out awhile, we must abandon it. It is true, the time will come when we must abandon it. But if this is before the repeal of the orders of council, we must abandon it only for a state of war. The day is not distant when that will be preferable to a longer continuance of the embargo. But we can never remove that, and let our vessels go out and be taken under these orders, without

making reprisal. Yet this is the very state of things which these federal monarchists are endeavouring to bring about; and in this it is but too possible they may succeed. But the fact is, that if we have war with England, it will be solely produced by their measures. I think that in two or three months we shall know what will be the issue."

The question which now occupied the minds of all was, what course the country should pursue in its present difficulties. The alternatives were war, embargo, or submission; and for the latter there were no open, probably no real advocates. But the nation was greatly divided on the other alternatives. Many, especially in the navigating states, were for the repeal of the embargo, with any consequence that might result from its repeal. There was also a further diversity as to the course to be taken after it was repealed—some were willing to let the merchants arm and defend their ships—others were for open war, but here again they differed. The federal party were generally for war with France and most of their opponents for war with England; while a few, regarding the provocations received from those nations, by the United States, rather than their means of resenting it, were for going to war with both. These questions greatly agitated the public minds, and engrossed the journals so as to take away much of the interest usually felt in a presidential election. Mr. Madison having received the recommendation of a large majority of the members of Congress of the republican party, was regarded throughout the Union as the choice of that party, and it constituting a majority of the nation, he was accordingly elected. Mr. C. C. Pinckney of South Carolina, was the candidate of the federal party, and received the votes of all the New England states, except Vermont, the vote of Delaware, two votes in Maryland and three in North Carolina; making in all forty-seven votes. George Clinton received six of the nineteen votes of New York, and James Madison all the rest, amounting to 122 votes. George Clinton was elected vice-president. The effort made in Virginia to procure the vote of that state for Mr. Monroe proved utterly abortive, and his friends could succeed no farther than

to obtain for him three votes in New York, for the office of vice president.

It has been urged by Mr. Jefferson's enemies that he was prompted to recommend the embargo by way of "a co-operation with the French emperor, to diminish, and as far as possible to destroy, the commerce of Great Britain; and thereby compel her, at least, to make peace, if not absolutely to subject her to the control of the imperial conqueror; when it was apparent that the object of his ambition was universal empire." But the whole tenor of Mr. Jefferson's correspondence and acts disprove this injurious imputation.

That one of the considerations which recommended the embargo was that it would be deeply injurious to the commerce of Great Britain was unquestionable, and considering the great and continued injuries received by the United States from that nation, it would have implied a baseness of spirit not to have sought such retaliation. But that he preferred it as a less evil to his country than war, is equally evident. All his letters written at this time show that he looked to war as the certain alternative if the belligerents continued their hostile edicts, and the embargo only as less injurious to the United States than war. His correspondence further shows that he regarded Bonaparte's usurpations in the same light as the federalists themselves, and that as soon as the military chieftain threw off the mask, and showed that he was swayed by the love of power and self-aggrandizement, he lost Mr. Jefferson's confidence and good will.

CHAPTER XII.

The President's Message to Congress. The foreign relations of the United States. Correspondence between the American Minister at Paris and the Minister of Foreign Affairs. Mr. Madison's Correspondence with Mr. Pinkney. Proceedings of Congress. The Embargo. Inquiry as to the two millions appropriated for the purchase of Florida. Effects of the Embargo. Measures of defence. Embargo taken off. Communication from Mr. J. Q. Adams. State of public affairs. Review of Mr. Jefferson's administration.

1808—1809.

HAVING seen the measures of self-defence adopted by the United States against the worst mischiefs to which the indiscriminating fury of the European belligerents exposed them, let us now see how these rights were asserted by their government, in its diplomatic intercourse with those belligerents.

Mr. Erskine having, on the 12th of March, 1807, sent a formal notice of the Berlin decree, and added, that his government, not exercising that retaliation which was justifiable, had merely issued an order of January, 1807, for preventing commerce between different ports of his enemies, Mr. Madison, in reply, remonstrated against this order, and the right of retaliation asserted in it; and Mr. Erskine having, on the 23d of February, 1808, explained the character of the order in council of November, 1807, Mr. Madison, on the 25th of March, replied to him at length. He denies the fact assumed by the orders, that the United States had acquiesced in the French decrees, and

he denies the principle that one belligerent may retaliate to any extent and under any modifications which may suit its pleasure. So far as the Berlin decree was a local regulation, it furnished to Great Britain no ground of complaint: so far as it was to be executed on the high seas, it could affect only neutrals. That at the time of the orders of November, the French decree was not known to have been executed in any instance—the case of the *Horizon* was the first. That the United States had every reason to believe that the decree was not to be enforced as to them; and as soon as it was, they took measures to defend their rights: That, admitting the right of retaliation in Great Britain, it could not justify her to the extent to which she carried it: That retaliation is an equivalent for injury received, and there was no comparison between that which she experienced and that which she inflicted: That the British order of January, 1807, itself declared that the fleets of France, instead of being able to enforce the blockade of the British isles, were themselves blockaded, and was thus self-condemned as a measure of retaliation.

He says that as the United States do not acquiesce in the invasions of their rights, they ought not to be involved in the controversy on which ever side the invasions began. He however reminds Mr. Erskine that before the French decree there were blockades declared by the British government that were not authorized by the law of nations. He speaks in an indignant tone of the exceptions made in the orders of November, which, under the name of indulgences to neutrals, were in fact badges of humiliation, inconsistent with national independence. The first of these allowed a commercial intercourse with the colonies of an enemy, contrary to the rule of 1756. He denies that this is an established principle of the law of nations; that it is claimed to be such only by Great Britain; never by her before 1756, and at first then, not because such trade was in itself illegal, but because it furnished presumptive evidence that the property belonged to an enemy; and that the British courts themselves had sometimes conformed to it and sometimes rejected it. The other exceptions allowed to the United States a trade to the whole

continent of Europe, on first going to a British port, accepting a British license, and paying a tribute, as if they were reduced to their former colonial dependence; and he asks, if the policy be to subject an enemy to privations, why are channels opened for a British trade which are shut to a neutral trade? and if the real object be to admit a neutral trade, why are neutral vessels required to come to a British port, when it is known that they are then not admitted into the ports of the enemy? He animadverts on the duty on cotton, and on the condemnation of American vessels for having "certificates of origin," though these are in conformity with domestic regulations generally practised.

On the 29th of March he sent a further remonstrance against the order in council of January, 1807, in which he enforces his former objections to the right of retaliation claimed by Great Britain.

On the 12th of November, 1807, General Armstrong learnt the decision of the council of prizes in France in the case of the *Horizon*. This American vessel was wrecked on the coast of France, was seized by the officers of the government, and though the value of the vessel was restored, that part of her cargo which consisted of English merchandise was condemned under the Berlin decree. The American minister made a remonstrance to the government, and showed that the decision was inconsistent with the declarations made to him in October preceding. One of the grounds taken by the council of prizes was that the interpretation of the decree that had been first given to General Armstrong was the opinion of an *individual*, and could not weigh against the subsequent opinion given in the name of the emperor himself. On the 24th of November, Mons. Champagny the minister of foreign relations at Paris, writes to General Armstrong that the American government could not complain of the measures of the French government while they allow their ships to be visited by English ships and submit to other wrongs. That France had been forced to adopt those measures, and had had

* 7, Wait's State Papers, 56.

recourse to more rigid precautions in consequence of the intimate relations between the United States and England. That the inconvenience is justly to be imputed, not to France but England. She should be combated with her own arms. England disregards the rights of nations, and it is only in forcing her to a peace, that they can be recovered.

On the 2nd of April, 1808, General Armstrong in pursuance of his instructions, remonstrated against the condemnations of American property under the Berlin and Milan decrees, which he shows to be clear infractions of the treaty of 1800. He insists that the only pretext of justification, the acquiescence of the United States in the wrongs they sustained from the British government, is not true in fact, and though it were, has no foundation in reason or law. He avers that the United States have not submitted, and would "not submit to the usurpations of Great Britain, nor to those of any other nation."

On the 4th of July, General Armstrong answers Mons. Champagny's letter of the 15th of January. He says the United States have the right to elect their own policy with regard to England as they have with regard to France, and without it they cannot be considered independent; that the peremptory tone of Champagny's note was less adapted to the accomplishment of its object than to offend against the respect due to an independent nation; and that the alternative presented to the United States in the last paragraph of an acquiescence in the views of France against Great Britain, and a confiscation of all American property sequestered, is equally derogatory to both governments: *To France*, as it imputes to her propositions founded in wrong to individuals; and to *the United States*, as it implies a sacrifice of her rights and honour to her pecuniary interests.

To the several remonstrances made by the American minister against the captures and burning of American property, no answer was given by the French government.

In Mr. Madison's letter to Mr. Pinkney, dated February 19, 1808, he says that among the considerations which advised the embargo, was the probability of such orders as were actually issued by the British government on the 11th of November,

1807—the language of the British gazettes, with other indications having left little doubt that such were meditated. The appearance of these orders in council, he says, had done much towards reconciling all descriptions of persons to the embargo.

In a subsequent letter to Mr. Pinkney, dated the 14th of April, after stating what reparations for the attack on the Chesapeake would be deemed satisfactory, if the adjustment should be made in England, Mr. Madison urges the same considerations to Great Britain to repeal the illegal orders which had been previously presented to France.* He says, “it would be happy for all parties, the belligerents as well as the United States, if truth could, in this case, be made to prevail; and if the retaliatory rivalry of the former against the latter could be converted into an emulation, as politic as it would be magnanimous in both, to take the lead, in a fair, lawful and conciliatory course, towards a nation which had done no wrong to either. Should the experiment be made on either side, it would probably be followed on the other; and it could never happen that the side first doing justice, would suffer on that account.” He was further informed that by an order of the navy department, no foreign seamen, *whether deserters* or not, would be permitted to serve on board American ships of war.

In Mr. Madison’s letter of the 2nd of April, he notices the power of suspending the embargo, and urges the consequences of a repeal by our nation, as a strong consideration with the British government.

He also wrote to Mr. Armstrong on the 29th of May, 1808, to inform him of the power given to the president to suspend the embargo, and requested him to inform the French government that the effect of revoking her decrees would be to compel Great Britain to follow her example, or to be at war with the United States; and, on the other hand, should Great Britain

* It appeared by Mr. Rose’s letter to Mr. Madison of March 17, that the British government did not require of the United States more than that they should *discharge* deserters from their service. This order, therefore, went a step farther.

revoke her orders in council, France could not persist in her decrees without forcing a contest with the United States.

On the 18th of July, 1808, Mr. Madison wrote to Mr. Pinkney, and after noticing the other points of controversy with Great Britain, he calls the minister's attention to a new order in council of a most extraordinary character, which, by patronizing vessels without registers, invites American citizens to violate the laws of their own country. It was a farther aggravation, that American vessels were, according to a circular letter of Mr. Huskisson, alone within its purview. He speaks in strong terms of reprobation of such an act against a nation towards which it professes friendship; an act which sets the odious example of openly encouraging smugglers, and which is so inconsistent with their declared principles of public law. He also speaks of the indignation excited in the United States against those American citizens who traded under British licenses.

The same offer which General Armstrong had made to the French government Mr. Pinkney made to the British, in the most formal manner; but it was unhesitatingly rejected. On the 23d of September, Mr. Canning, in reply to Mr. Pinkney, said that, as the application made to the French government by the United States had not met with a favourable reception, his majesty could not change his course. That he saw nothing in the embargo to induce the change. If it were regarded as a measure of hostility, it was manifestly unjust towards him. The redress should be first made by the party originating the wrong; and if it was an innocent municipal regulation, as it had been represented, with which no foreign state had any concern, then his majesty had no right to complain of it. There is no reciprocity between a voluntary self-restriction, and the surrender of the right of retaliation. That the Berlin decree was meant not only to impair the prosperity of Great Britain, but to annihilate her political existence, and the embargo, though not so intended, did come in aid of the blockade of the European continent. That these efforts had proved unavailing; and if the system of attack was broken up into fragments, harmless and contemptible, it was yet important to the reputation of England,

which constitutes much of her power, that this advantage should not appear to have been purchased by any concession on her part. He professes every disposition to be on amicable terms with the United States; says the depression of other countries is not desired by his nation; that the prosperity of America is essentially that of Great Britain, and her strength and power are not for herself, but for the world. That when a readjustment of the present differences should take place, both nations would better appreciate the value of each other's friendship, and that it would not hereafter be imputed to Great Britain that she envied American industry, or was compelled to court an intercourse with her. He adds, with an offensive display of charitable feeling, because so intended, that his majesty would do any thing to repeal the embargo, short of appearing to deprecate it as a measure of hostility, with a view of removing "an inconvenient restriction upon the American people." But the continuance of the president's proclamation is adverted to as an inauspicious omen of mutual conciliation.

As the embargo was palpably injurious to Great Britain, whose wealth and power are drawn from her commerce, and as Mr. Canning himself virtually admitted that it had an injurious bearing on her interests, an offer to repeal it, and thus restore to Great Britain a most important branch of her trade, furnished a very proper ground on which America could require a repeal of the orders in council, which on their face were admitted to violate the rights of neutrals, and which were professed to be only temporary, and to be acts of necessary retaliation on France. The offer was made, because it was believed on good reason that it would be more likely to promote the views of Great Britain than the orders in council, both in extending her trade and in bringing the United States into collision with France. Mr. Canning then had no foundation for assuming that the removal of the embargo was merely a benefit to the United States, and to refuse the proffer made to them, as if it had been a boon asked, and not a matter of reciprocity. Such a disingenuous piece of affectation would not have been resorted to, if it had not been to taunt the American government with the

reproach, more than once adroitly insinuated, that the measure meant to injure Great Britain had inflicted yet greater injury on the United States. If it were intended to administer to the pride of the British nation, this document may be regarded as cleverly fulfilling its purpose; but it was not the production of a statesman desirous, above all things, of promoting the solid interests and prosperity of his country. It postponed them to the indulgence of misplaced pride, and excited the American people to a more unanimous resentment, by adding the insult of an arrogant and preposterous sympathy to the many injuries already experienced in their persons and property.*

On the same day that Mr. Canning returned this reply to Mr. Pinkney, he sent another, in which he referred to their previous conversations, to which Mr. Pinkney had also made reference, for the purpose of preventing misapprehension. And in this letter he says that the proposition to revoke the British orders was not from the instructions of his government; and that when the embargo was recommended, the American government had no knowledge of the British orders of the 11th of November.

Mr. Pinkney replied, (October 10th,) and besides noticing several minor discrepancies, he insists that he had assured Mr. Canning that he was instructed by the government of the United States to make the offer of repealing the embargo, but that the manner of conducting and illustrating the subject, upon which he had no precise orders, was his own. That he even repeated his instructions, as he remembered them, and that no doubt was expressed either as to their existence or their sufficiency. He admitted he had told Mr. Canning that no copy of the orders of November had reached the United States, but that a recent change in the conduct of France was known, and that further measures of retaliation by Great Britain were anticipated; and

*In all the official correspondence of that minister relative to the United States, an ambition of point and sarcasm are conspicuous, and the merits of a prudent negotiator are unhesitatingly postponed to those of the wit and the satirist. The old vocation prevailed over the new.

that it had also appeared from private letters that she had actually adopted such measures.

To this letter Mr. Canning rejoined on the 22nd of November, in defence of his first statements; and while he admits that the proposition made by Mr. Pinkney was from the authority of his government, he says that as the manner, the tone, and the conditions of the overture were left to the minister's discretion, he regarded the proposition as in a great measure of his own suggestion. Some further explanations took place on both sides, but they were mutually unsatisfactory, and led to no result.

There can be no reason assigned for the pains taken by Mr. Canning to show that the government of the United States had not known of the British order of November, 1806, when it recommended the embargo, and that it had not given Mr. Pinkney specific instructions to propose its repeal, except for the purpose of affording materials of argument to the Opposition in the United States; especially as no doubt could then be entertained that he thus had authority to make the offer. That this was Mr. Canning's object is further evident from the fact that his letter found its way into the American newspapers before it was communicated by the British government; and it was to defeat its influence that the whole correspondence was communicated by the president to Congress on the 17th of January, with a view to publication.

On the 7th of November, Congress assembled at the time appointed by a law of the preceding session, and on the following day Mr. Jefferson sent to both Houses his last annual address. He begins by informing Congress that no change had taken place in the conduct of the belligerents towards the United States, though both England and France had been informed by the American ministers at London and Paris respectively, that on their revoking its unlawful edicts, the United States would remove the pretext of acquiescence on the part of neutrals, under which they had sought to justify those edicts; and which offers, according to their previous professions, it was expected they would have acceded to. These propositions had been modi-

fied according to the circumstances of the two nations. To France, on repealing her decrees, instead of a suspension of the embargo as to her, it was supposed that a sufficient inducement might be presented in other considerations; and particularly by the change produced by a compliance with our just demands by one belligerent, and a refusal by the other. War with Great Britain was, in short, indicated as the consequence of such repeal. But to Great Britain it was stated explicitly, that on her rescinding her orders in relation to the United States, they would open their trade with her, and keep it shut to her enemy, if he failed also to rescind his decrees. That these offers had been unnoticed by France, and rejected by England. The right given to the executive to suspend the embargo, had, therefore, not been exercised. That it, however, had had the effect of protecting our mariners, of saving our vast mercantile property, and of affording time for prosecuting defensive measures. It had also demonstrated our moderation to the world, and shown to our citizens the necessity of uniting in support of their rights. It was for Congress to decide on the course to be pursued under a continuance of the belligerent measures.

He then notices the subject of redress for the attack on the Chesapeake, and says that the preliminary formerly insisted on by Great Britain was still adhered to, and was then connected with the orders in council. Our other foreign relations had undergone no change. Those with the Indian tribes were, in general, pacific. Their attachment to the United States was increasing, and a part of the Cherokees were then considering the proposition of soliciting to be made citizens of the United States. The fortifications undertaken would be finished in the course of the ensuing summer, except those of New York and New Orleans. Of the gunboats authorized at the last session, only 103 had been built in the present year. These with the others before possessed, would be sufficient for the defence of the harbours. Officers had also been appointed for the recruiting service authorized by Congress, and their efforts had been successful. Some detachments of militia had been found necessary

for the enforcement of the embargo laws on the northern frontier. He lays great stress on the importance of organizing the militia, and of revising the system at every session. From the difficulty of procuring arms from abroad, the administration had directed all its efforts towards the means of internal supply. He says that the suspension of our foreign commerce had impelled us to apply our capital and industry to internal manufactures and improvements. The amount was daily increasing, and "little doubt remained that the establishments formed and forming, would, under the auspices of cheaper materials and subsistence, the freedom of labour from taxation with us, and of protecting duties and prohibitions, become permanent."

He informs them that the receipts into the treasury have been near, on the 30th of September preceding, 18,000,000 dollars; that 2,300,000 dollars of the principal of the debt had been discharged, and nearly 14,000,000 dollars left in the treasury: that 5,000,000 more would be payable on the 1st of January, which, with the payments previously made in the six years and a half preceding, amounted to 33,580,000 dollars of the principal of the funded debt. The further accumulation of money in the treasury, he thinks, merits the consideration of Congress, and he asks whether the revenue should be reduced, or be appropriated to roads, canals, education, and other great foundations of prosperity and union, under the powers already possessed, or to be given by amendments of the constitution. He takes occasion to express in this his last address to both Houses on their meeting, his gratitude for their past confidence and indulgence, and looking forward with anxiety to the future destinies of the country, he sees in the qualities of his fellow-citizens a guaranty of the permanence of the republic, and has the consolation to believe that "Heaven has in store for our beloved country long ages to come of prosperity and happiness."

On the 11th day of November, the subject of the foreign relations was submitted to a committee, who made a report on the 22nd. They there, after a detailed and very perspicuous view of all the offensive and illegal measures of the two great European belligerents, towards the United States, inquired into the

most eligible course for the latter to pursue, and after considering the different expedients that presented themselves, they decided against a repeal, and submitted in conclusion three resolutions. 1st. That the United States could not, without a sacrifice of their rights, honour and independence, submit to the late edicts of Great Britain and France. 2. That it was expedient to prohibit the admission of either the ships or merchandise of those belligerents into the ports of the United States. 3. That the country ought to be immediately placed in a state of defence. After a protracted debate, both in committee of the whole and in the House, the two first resolutions were passed by three-fourths of the votes, and the last unanimously.

A similar debate on the same subject, in the Senate, was introduced by a motion to repeal the embargo law. The motion was supported by its mover, Messrs. Hillhouse of Connecticut, Pickering, and Lloyd of Massachusetts, and White of Delaware. It was opposed by Messrs. Pope of Kentucky, Smith of Maryland, Crawford of Georgia, Moore and Giles of Virginia. The question on the resolution was taken on the 2nd of December, when it appeared that there were but six votes in its favour to twenty-five against it.

In this debate, in both Houses, no opportunity was lost of attempting to excite suspicions against the administration. It was insisted that the object of the embargo was to further the views of France and to ruin the commerce of Great Britain; that the British order of November, 1807, could have had no influence in producing the embargo, as it was not known when that measure was recommended and past; and all the arguments urged by Mr. Canning to Mr. Pinkney, were reiterated in every form. There was this difference between the two parties. The opposition openly defended Great Britain, but the supporters of the administration condemned both the belligerents, as having equally violated the undoubted rights of the United States, and equally merited their resentment, both as to their conduct and motives, though the injuries inflicted by Great Britain, by reason of her naval ascendancy, were so

much more serious. Such also was the sense of a large majority of the nation.

The measures adopted in pursuance of the last resolution were, 475,000 dollars was appropriated to fortifications, principally to New York; four frigates were ordered to be equipped in addition to the naval force already in service; 3,600 seamen to be enlisted in addition to those already in service, and an addition was made to the marine corps—a degree of preparation little likely, it was evident, to give either the nation or its assailants any assurance that the government really expected war.

Whilst this report, which so earnestly urged the impolicy of repealing the embargo act, was adopted by so large a majority, the greater part even of the friends of the administration had no expectation that it would be continued many months longer. Some thought it ought to be repealed in the spring; some that it should be prolonged to the 1st of June, and a few to the 1st of September; but none were desirous of extending it further. Looking forward then to the change of policy, various expedients connected with the repeal were proposed. Mr. Nicholas, of Virginia, offered a resolution for granting letters of marque and reprisal against Great Britain and France, after a certain day; and Mr. Bacon, of Massachusetts, proposed simply to allow American vessels to arm in their defence; and Mr. Durell, of New Hampshire, proposed that the illegal capture of an American vessel by either belligerent should be considered as a declaration of war: but neither of these propositions according with the views of a large majority, they were all postponed on the 10th of February, by 65 votes to 55.

On the 17th of January the president sent a message to Congress, communicating the further correspondence between Messrs. Pinkney and Canning. He stated that when he made his former communications at the opening of the session, Mr. Canning's letter was received, but not Mr. Pinkney's answer: That the part which related to their conversations being of less importance, after their verbal discussions had been superseded by a written correspondence, he had not deemed it of sufficient

importance to communicate it; but Mr. Canning's letter having found its way into the newspapers, he had thought it best, for correcting misapprehension, to send them the whole correspondence.

Among the other party calumnies which had been circulated against the administration, one was that the two millions which had been appropriated two years before for the purchase of Florida, had been obtained for the sole purpose of assisting France, then greatly needing money, and that this sum had actually been sent out in the *Hornet* sloop of war and paid to Napoleon, as a mere gratuity. With a view of silencing this absurd slander, General Smith, of Maryland, introduced a resolution, requesting of the president information as to the disposition of these two millions; remarking at the time, that he had met many respectable persons, in a late tour through the eastern States, who believed the story, though every member of the Senate knew that not one cent of the money had ever been drawn from the treasury.

The president, in his answer of the 24th of January, sent a letter from the Secretary of State, and another from the Secretary of the Treasury, by whose separate answers it appeared that, by virtue of the authority vested in the president, the American ministers, Armstrong and Bowdoin, had been authorized to draw on the banker of the United States in Holland for one million, and on the treasury of the United States for the other, if it should be necessary; that the money could be used in no other way than in the purchase of Florida; and, its purpose having failed, that no part of it had been used. Mr. Gallatin besides confirming the previous statement of facts, referred to his official reports to show, as they clearly do, that these two millions were unexpended.*

* After this public and formal denial, one might have expected this piece of party calumny would have been put to rest for ever; but not so. It has been revived in a work called "Familiar letters and characters and events," lately published in Boston. If it chooses to rely on the *expectations* of Mr. — subsequent *facts*, knew of this proceedi

In the meanwhile the embargo was pressing with increased severity on every class of the community, whether producers or consumers; and this pressure, joined to the political opposition in the federal party, drove the people of New England, where that party was most numerous, and where the embargo was most felt, to a point of disaffection which had never before been witnessed in the United States. Many, therefore, entertained strong hopes that some course would be taken, during the present session, by which the industry and enterprise of the country would be again put into activity, its vessels be once more suffered to venture on the ocean, and perhaps be permitted to arm in their own defence, if not to make reprisals. Indeed there was no one who did not admit that war would be preferable to the continuance of the embargo beyond a time not very distant, and every day was adding to the number of those who believed that time already arrived. Among the many objections to it there was one which operated strongly on its friends, and that was the frequency with which it was violated. When the law was first passed, there was a power given to the president to permit exceptions in particular cases; and it being found that these indulgences were abused or perverted from their purpose, at the present session this power was taken away. There were also many cases in which the law was clandestinely evaded. The majority of Congress who were willing to try it longer rather than resort to war, passed a law during the session, which armed the executive with new powers for enforcing it; and these powers, so much at variance with the spirit of our institutions and the general lenity of the laws, afforded further materials for exciting popular odium against the administration, which was then charged with being as ambitious of arbitrary power at home as it was submissive to the will of Napoleon abroad.

The administration and the majority who supported it were, think of his fairness? and if he did not know it, how can we trust his information? In either case we must pronounce him little qualified for the office he has assumed of delineating public characters and narrating historical facts.

before Congress rose, turned from their purpose of trying the embargo a few months longer, from fear of the growing disaffection of the New England States, which they had reason to believe was producing consequences, not only subversive of the authority of the laws, but dangerous to the continuance of the Union. It has appeared by subsequent disclosures, that in the month of February, Mr. John Quincy Adams, who had supported the administration in the embargo and other measures of policy, ever since the affair of the Chesapeake, and who finding his course was not approved by the legislature of Massachusetts, had resigned his office of senator, made to the president the following communication, that from information received by him, and which might be relied on, it was the determination of the ruling party in Massachusetts, and even New England, if the embargo was persisted in, no longer to submit to it, but to separate themselves from the Union, at least until the existing obstacles to foreign commerce were removed; that the plan was already digested, and that such was the pressure of the embargo on the community that they would be supported by the people. He further said that a secret agent of Great Britain was then in New England, by whose intrigues every aid would be proffered by that government to carry a project into execution, which would at once render the restrictions on the commerce between the United States and Great Britain nugatory, and all future opposition unavailing.

The danger thus threatening the Union was deemed paramount to all other considerations, and the president, with his cabinet, concluded that it would be better to modify their interdiction of commerce in such a way that, while employment was afforded to American vessels, Great Britain and France should still feel the loss of American commerce. Congress accordingly passed a law for repealing the embargo after the 4th of March, as to all nations except France and Great Britain, and interdicting with them all commercial intercourse whatever, whether by exporting or importing, either directly or circuitously. This measure has always since gone under the name of the non-

intercourse law. It passed on the 27th of February, by 81 votes to 40.

It is not known whether the information thus communicated by Mr. Adams was entirely accurate, but that the growing discontents of the country made some change expedient would seem to be very reasonable. In most of the state legislatures of New England there was a systematic purpose to defeat the measures of the general government, especially in preventing the execution of the law last enacted for enforcing the embargo. In Connecticut, a law was passed to prevent those searches in private houses, which the act of Congress authorized under particular circumstances. In Massachusetts, one committee was appointed to inquire whether the general government had not improperly withheld information from the people—another, whether the freedom of debate had not been threatened, in consequence of offensive language used towards one of the representatives of that state. It is but justice to add that those who are thus accused do not remain silent under the imputation. Even since the fever of the time has passed away, they maintain that the state of things was greatly exaggerated by Mr. Adams, and that the existence of any negotiation or intrigue between a British agent and any of the leading politicians of New England, had no existence except in Mr. Adams's fancy, or rather in his wilful misrepresentations; which they allege were dictated by a wish to recommend himself to the administration; and that, in the mission to Russia, which was soon afterwards tendered him by President Madison, he received that reward which had been the main object of his desertion from the federalists.

Such was the situation of our foreign affairs when Mr. Jefferson was about to resign the office of chief magistrate to the guidance of his intimate and confidential friend. The difficulties which marred the present prosperity of the country, and threatened its peace, were of no ordinary character. Its dearest rights assailed without scruple by the two most powerful nations on the globe, and who, agreeing in nothing else, concurred in plundering its defenceless commerce, whereby it was subjected

to most of the evils of war without the satisfaction of retaliation. Rather than encounter such fearful odds, the nation had been tempted to withdraw itself from the ocean, the favourite theatre for the enterprise and industry of a large portion of its people; and one where they had recently reaped an abundant harvest of wealth in contributing to lessen the evils of war to the belligerents. While the maritime and commercial part of the country were thus thrown out of employment, the agricultural class were deprived of a vent for their redundant products, and cut off from those foreign supplies to which they had been accustomed, and for which as yet no substitutes were provided. Nor did there seem at present any prospect of a discontinuance of this embarrassing state of things, except by resorting to war, for which the country was entirely unprepared in money, arms, ammunition ships, or even disciplined soldiers and instructed officers. It is not seen that the executive had any agency in bringing about this state of things, unless it be contended that it was bound to approve of any treaty made by its ministers, whatever might be its defects, and unless it be also maintained that the president ought to have subjected his country to the humiliation of rescinding the proclamation, as the British envoy required, before he made an offer of reparation for the previous attack on a national vessel.

There is indeed much more colour of reason in the opposite imputation, to which he was sometimes subjected, that he carried his love of economy and peace too far, and that the warring nations of Europe, seeing this his ruling principle of action, presumed upon it, and recklessly trampled on the rights of American citizens, in the confidence that their course would not lead to war, which neither of them wished; that the repeated insults of Spain; the attack on the Chesapeake, the refusal to make reparation, unless the first step in retractation was made by the United States; the lawless edicts of France and Great Britain; and even the insolence of Champagny and the taunts of Canning may be all referred to this cause; that as with individuals, the surest means of avoiding danger is not to be too apprehensive of it, so no policy is so likely to preserve peace to a nation as to

show that it is prepared for war, and not insuperably averse to it.

While we admit the truth of this general maxim, we must also remember that the question when the love of peace should yield to vengeance and retaliation, often presents a nice and difficult problem to the statesman; and if Mr. Jefferson be considered to have erred on the side of forbearance, his is not the vulgar error nor the most injurious. Governments are sufficiently prone to resent injuries, while a perseverance in a course of economy and a spirit of conciliation are sure to meet with the strongest counteractions. We must remember, too, that a readier disposition to avenge the wrongs of his country would at no time, except in the affair of the Chesapeake, have received the support of more than half the nation, and for his forbearance on that occasion he has been less censured than for any other.

The difficulties, then, of his administration ought to detract little from its merits; and those merits were neither few nor inconsiderable. It had lessened the amount of taxes, and had by greater public economy, paid off thirty-three millions of the public debt, which had even somewhat increased before that time. In abolishing the internal taxes, it had taken away a copious source of executive patronage, and relieved the country from a species of impost, which, in this country, is at once the most annoying to the jealous sense of personal independence felt by the people, the most inconvenient from its deficiency of circulating medium, out of the cities, and the most expensive in the collection from the thinness of its population. It was able to add to the national domain more than a million of square miles, over which the descendants of the present population of the United States would be diffused in no very remote period, to the amount of one hundred millions; and in this acquisition it removed the powerful and dangerous neighbourhood of France, settled a troublesome and threatening controversy with Spain, and thus removed all danger of a separate interest between the western and the Atlantic states. It put down an internal conspiracy without armament or expense, and though the author

of that conspiracy escaped legal punishment, he was so exposed and disgraced in the eyes of the community, as to be deprived of all means of subsequent mischief. It had, by surveys of the coast, and the exploring expedition of Lewis and Clarke, added greatly to the geographical knowledge of the country. It had done much to advance the Indian tribes in the arts of civilized life, and had obtained their voluntary relinquishment of their title to ninety-six millions of acres. It also had the merit of compelling the Barbary powers to respect the flag of the United States; and to preserve the country, after the attack on the Chesapeake, from a war for which it was altogether unprepared, but in which it would have been supported by a degree of unanimity rarely to be found in governments where men are free to arrange themselves under the banners of party. In effecting these national objects, and in the general prudence, propriety, and justice of its measures, it had so gained on the public esteem, that while, at its commencement, there were seven states in the opposition, this number had, one year before it terminated, dwindled down to two; and, in all probability, had it not been for the advantage which the opposition derived from the measures made necessary by the aggressions of the European belligerents, the support would have been unanimous. As it was, there were but five states arrayed against it at the conclusion of Mr. Jefferson's administration. These were Massachusetts, New Hampshire, Connecticut, Rhode Island and Delaware, which states at that time had but 32 of the 141 representatives. And although the cabinet of Mr. Jefferson was, without doubt, entitled to a part of the credit of these public benefits, yet by far the larger part is due to him, not merely from the power he possessed, and the known deference felt by his associates for his opinions, but because his measures were in strict conformity with his views and principles long before declared.

But he has a merit which many will place beyond all that he did to advance the wealth and prosperity of the country. He gave a practical illustration of the great political maxims from which our civil institutions take their shape and derive

their force: that government was instituted for the benefit of the governed, and, consequently, that its power is not a *property* in those who administer it, but a *trust* for the public good: that as power is grateful in itself, and its exercise always more or less conflicts with the interests or wishes of others, it should be as sparingly delegated and as forbearingly exerted as is consistent with the great purposes of peace and security.

In conformity with these maxims, Mr. Jefferson made no attempt, and exhibited no desire, to enlarge the powers of the executive, and never exercised them for the benefit of himself, or of his family. So far from seeking to gain adherents by multiplying offices, augmenting the army and navy, sacrificing the public domains to wealthy capitalists, and perpetuating the public debt, he endeavoured to divest himself of these extrinsic aids, believing them to be political evils; and wisely, as well as honestly and fearlessly disregarding peculiar interests, he looked for support to the approbation of the whole community, and aimed to perform his allotted functions with as small an exertion of power as possible: and finally, he, from principle, confirmed the example which General Washington had been prompted to set, by inclination, of limiting the term that the power and patronage of the president should remain in the same hands. He received addresses from the legislatures of the states of Vermont, New Jersey, Pennsylvania, Maryland, and Georgia, and from the Senate of New York and the House of Delegates of Virginia, to serve a third term, and with these and other similar demonstrations of the public sentiment, he could scarcely have doubted of a re-election, could his principles have permitted it.

If his perseverance in the embargo policy so long against the wishes and interests of New England and the mercantile community generally, may seem to afford some contradiction to the self-denying merit here claimed, the answer is, that he therein fulfilled the wishes of a large majority of the people, who considered that the suspension of foreign commerce, distressing as it was, a less evil than either submission to lawless power, or resistance by war. A portion of the community here suffered an evil necessarily incident to the great merit of a

republican government, that the will of the majority must prevail. Nor is it seen how any course could have been taken that would not have pressed sorely on the navigating states, as was afterwards proved by the fact that their sufferings and their discontents continued undiminished through all the changes that afterwards took place, until the peace in Europe restored to them freedom and safety on the ocean.

It was in the same orthodox zeal for republicanism that Mr. Jefferson abolished those courtly forms and ceremonies which had been studiously cherished during the previous administrations by the underlings of office. He regarded these fantastic refinements of a semi-barbarous age as indicating the same desire of elevating a few of the community at the expense of the rest, which originated them; or at best a weak and childish taste for trifles altogether unsuited to the simple and manly dignity of republicans; and which, when most successfully exerted here, make us, like the ass emulating the lap-dog, but a bad copy of a worthless original.*

* Mr. Jefferson was not content with the abolition of levees, of speeches to the legislature, and with discountenancing every thing like a court ceremonial, but he wished also to impress on the diplomatic corps at Washington that this feature of his administration was to be in harmony with the simplicity of our institutions; and opportunities soon presented themselves. The Danish minister having called one morning to see him, the president appeared in slippers, and adverting to the fact, spoke of his indifference to forms. The minister having intimated in reply, that they could not well be dispensed with, the president took occasion to relate the following anecdote, which while it seemed to conform to the minister's views, still more furthered his own: Ferdinand of Naples complained one morning to his minister Caraccioli of the irksome duty to which he was subjected of conforming to the ceremonies of the court, and asked if some plan could not be devised for his relief: whereupon Caraccioli endeavoured to show that his master's wishes could not be safely fulfilled, and remarked, "Your majesty must remember that you yourself are but a ceremony."

The same temper gave rise to a collision with the British minister, Mr. Merry, which was made the subject of his correspondence with his own government, and was a fruitful source of gossip about Washington. Mr. and Mrs. Merry having been invited to dine with the president, the latter, when dinner was announced, conducted Mrs. Madison whom he was standing near at the time. For the president to have given any

This administration, in a word, vilified as it has been by those whose power it superseded, and whose views it thwarted, has been appealed to by the unbiassed portion of the succeeding generation as the one in which the country, through the greater part of its course, experienced more public prosperity, and through the whole of it, was administered more according to the republican principles of the constitution than any other.

On the 6th of February, the Legislature of Virginia presented to him the following address,* in testimony of their esteem and approbation:

“Sir,

“The General Assembly of your native state cannot close their session without acknowledging your services in the office which you are just about to lay down, and bidding you a respectful and affectionate farewell.

“We have to thank you for the model of an administration conducted on the purest principles of republicanism; for pomp

other lady the precedence, was deemed so serious an offence that Mr. Merry would never accept another invitation from the president. Mr. Madison made a full representation of the whole affair to Mr. Monroe, that he might give the requisite explanation to the British government, if they should regard it as a studied insult, as the federal papers affected to consider it. Mr. Monroe replied that Mr. Merry had no foundation for the claim of precedence he had asserted, and that in England, Mrs. Monroe was postponed to the lady of an under secretary.

Mr. Jefferson's subsequent conduct was as illustrative of his amiable temper as it accorded with real dignity. As he often had small unceremonious parties to dinner, and it was thought Mr. Merry would make a pleasant addition to them, he inquired through the Swedish *chargé* whether, if Mr. Merry were invited to take a family dinner with the president, he would accept the invitation. The inquiry being made, and answered in the affirmative, a note was accordingly sent under Mr. Jefferson's own hand. On which Mr. Merry wrote to the Secretary of State, Mr. Madison, to know whether he was invited in his private, or his official character. If in the former, he must await his majesty's permission to accept it: if in the latter, he must first have assurance that he would receive the respect and attention due to his majesty's envoy. A cold dry answer, “giving the question the go-by,” was returned by Mr. Madison, and thus ended the ridiculous affair.

* This address is understood to have been written by Mr. Wirt, one of the committee appointed to prepare it. The vote on it in the House of Delegates was, 116 to 21.

and state sold either partridge discarded: internal taxes abolished: a host of superfluous officers disbanded; the monarchic maxim that 'a national debt is a national blessing,' renounced, and more than thirty-three millions of our debt discharged; the native right to near one hundred millions of acres of our national domain extinguished: and without the guilt or calamities of conquest, a vast and fertile region added to our country, far more extensive than her original possessions, bringing along with it the Mississippi and the port of Orleans, the trade of the West to the Pacific Ocean, and in the intrinsic value of the land itself, a source of permanent and almost inexhaustible revenue. There are points in your administration which the historian will not fail to seize, to expand, and to teach posterity to dwell upon with delight. Nor will he forget our peace with the civilized world, preserved through a season of uncommon difficulty and trial; the good will cultivated with the unfortunate aborigines of our country, and the civilization humanely extended among them; the lesson taught the inhabitants of the coast of Barbary, that we have the means of chastising their piratical encroachments, and awing them into justice; and that theme, which, above all others, the historic genius will hang upon with rapture, the liberty of speech and the press preserved inviolate, without which genius and science are given to man in vain.

"In the principles on which you have administered the government, we see only the continuation and maturity of the same virtues and abilities which drew upon you in your youth the resentment of Dunmore. From the first brilliant and happy moment of your resistance to foreign tyranny until the present day, we mark with pleasure and with gratitude the same uniform and consistent character—the same warm and devoted attachment to liberty and the Republic, the same Roman love of your country, her rights, her peace, her honour, her prosperity.

"How blessed will be the retirement into which you are about to go! How deservedly blessed will it be! For you carry with you the richest of all rewards, the recollection of a life well spent in the service of your country, and proofs the most dec-

sive of the love, the gratitude, the veneration of your countrymen.

“That your retirement may be as happy as your life has been virtuous and useful; that our youth may see, in the blissful close of your days, an additional inducement to form themselves on your model, is the devout and earnest prayer of your fellow citizens who compose the General Assembly of Virginia.”

CHAPTER XIII.

Mr. Jefferson returns to Monticello. Friendship between the President and Ex-President. Complimentary Addresses. Schemes of passing his time—how far successful. Pecuniary difficulties, and their cause. His studies. Address from the Legislature of New York. Orders the dismissal of a prosecution for a libel against him. Mr. Erskine's arrangement—its disavowal—his letter to the President. Vocabularies of Indian Languages. Letter to the Spanish Minister. To Mr. Gallatin. To Mr. Rodney. Kosciusko: His workshop. To Dr. Jones on Cabinet consultations. His views of Napoleon's successes—on the English Constitution—on British Policy. To J. B. Colvin.

1809—1810.

MR. JEFFERSON waited to witness the inauguration of his successor before he left the seat of government, and sat at the right hand of the president elect, while he delivered his inaugural address.

A day or two before he left Washington, he wrote to Mons. Dupont de Nemours in Paris: "Within a few days I retire to my family, my books, and farms; and having gained the harbour myself, I shall look on my friends still buffeting the storm with anxiety indeed, but not with envy. Never did a prisoner released from his chains, feel such relief as I shall on shaking off the shackles of power. Nature intended me for the tranquil pursuits of science, by rendering them my supreme delight. But the enormities of the times in which I have lived, have

forced me to take part in resisting them, and to commit myself on the boisterous ocean of political passions. I thank God for the opportunity of retiring from them without censure, and carrying with me the most consoling proofs of public approbation."

He reached Monticello about the middle of March, after a fatiguing journey over roads always particularly bad at that season; and, in the course of it, travelled eight hours on horseback through an unusually severe hail-storm. He felt, however, no other inconvenience from the expedition than fatigue, and had, as he says, more confidence in his *vis vitæ* than he had before entertained. He wrote to Mr. Madison a day or two afterwards very freely and fully on public affairs.

It presents a spectacle as pleasing as it is rare to see these distinguished men thus changing places as to rank without any change in their feelings of friendship and of perfect equality—the one arrogating nothing for what he had been, and the other for what he was, but each manifesting the same kind feelings, tempered with respect, which they had felt before, and continued to feel ever afterwards. Each seemed unconscious that one of them was elevated to the highest dignity which an American citizen could attain, or that the other had descended from that dignity to the common level of his countrymen. In this letter Mr. Jefferson remarks to his successor "that he knows no government which would be so embarrassing in war as ours. It would proceed very much from the lying and licentious character of our papers; but much also from the wonderful duplicity of the members of Congress in the floating lies of the day. The evil too, he thought, increased with the protraction of the sessions, and in case of a war, he apprehended they would tend to become permanent. He fervently prayed that it might be avoided, but admitted it might be less injurious than an unresisted depredation."

He had numerous complimentary addresses on his return to private life. Among these, two in the county of Albemarle; one from the Society of Baptists, and the other from the citizens of the county generally.

Mr. Jefferson had now reached the age of sixty-six, and though possessed of a vigour of mind and body unusual at that period, yet he withdrew from the cares and fatigues of political life, not merely with resignation, but with real pleasure. He promised himself in the tranquillity of retirement, in the society of his daughter and her numerous family, and in the delights of study, a degree of unmixed happiness that he had never yet experienced. He had hitherto been labouring for the good of his country, and with that had naturally been associated the desire of popular esteem. These objects had engrossed the best part of his busy life, and what remained he determined to dedicate to pursuits more congenial to his temper and affections, as well as better suited to his years. His expectations were as well founded as such estimates of the future ever are; and he had as much enjoyment of life as falls to the lot of most men. If he did not experience all that he anticipated, it was because "man never is, but always *to be* blest."

In the quiet even tenor of his subsequent life, in the management of his farms, in his course of reading, and in his domestic relations—there is little of incident to furnish the materials of biography. These peaceful occupations exhibit indeed very interesting traits of character, but these may be presented by general results, or a few prominent and characteristic facts, rather than by reiterated details. The reader may therefore now expect to receive only these general notices; and it will be from Mr. Jefferson's extensive correspondence that we shall hereafter principally draw for the residue of this work. It not only shows us his speculative views on various subjects, but as these often exerted a controlling influence on the members of his party, who maintained the ascendancy during his life, his writings often have the character of acts no less than of opinions.

One of the plans for the future which he seems to have prescribed to himself, was to have an entire reform in the management of his estate, that hitherto, under the management of thriftless or faithless agents, had yielded him little or no profit. His landed property then consisted of 5682 acres attached to Monticello, on which he had 113 slaves; and 4164 acres at Poplar

Forest, on which he had 85 slaves. At this estate he made tobacco, as well as wheat. At Monticello, wheat was the only crop made for market. He had a flour mill on the Rivanna, on which he had expended, in money and labour on the dam, and a canal and locks on the Rivanna, what he used to estimate at 30,000 dollars. But as he had to provide all these slaves with clothing; to purchase iron, salt, medicines, sometimes even provisions, and to pay overseers; when these disbursements were made, he had little left to defray the current expenses of his family, and of a table always as liberally supplied with guests as abundant in its fare.

He had a few years previous to this time formed the scheme of renting out his land to industrious and managing farmers, whom he expected from Maryland; and that disposition of his property would have been the best he could have made, but the scheme failed.

From the year 1807, when the embargo was laid,* to the peace of 1815, the profits of landed estates, with a few brief exceptions, were, under the best management, very small; and under the disadvantages of Mr. Jefferson's estates, it is probable that his yielded scarcely any profit, since the proceeds of a part of his Poplar Forest lands were absorbed in his domestic expenses. Some of these disadvantages may be noticed. In the first place, this estate, being at the distance of seventy miles from Monticello, with a rough road between them, it was necessarily committed to the entire management of an overseer, and of course it experienced the known disadvantages incident to that mercenary service. In nine such cases out of ten, there is far more consumed, and far less produced, than when the owner manages for himself. In such cases too, all that can be afforded from the estate for the support of a family without affecting the main crop, is lost—there being no certain market for it. Nor had

* If then, he had sought to continue the embargo in complaisance to the wishes of Napoleon, as his enemies alleged, there never was an act of more disinterested generosity; or there were few persons in the United States who more sensibly felt that measure than himself, because there were few whose incomes were proportionally so much diminished.

he the requisite knowledge of the qualifications of this class of men, engrossed as his attention had been by other pursuits; and since the crafty and knavish were forward in offering themselves to his service, he was often their victim. He also wanted that severity and rigour which is no less necessary for this class of people than the slaves they superintend. With him, then, an indolent overseer was likely to be excused, and a knavish one to escape detection. There was always a burdensome tax levied on the labour of the estate in providing corn and provender for the horses of his frequent visitors, and provisions for his table, and one which it was never wholly able to meet. His passion for building, which was indulged at Poplar Forest, as well as at Monticello, was a further drawback on the profits of those farms; for besides the pay of the workmen, a part of the labour which ought to have been appropriated to husbandry, was put in requisition to provide timber, stone, and brick. It may be supposed that, admitting his estate to have been unproductive, his salary was amply sufficient to defray his expenses while he was President, yet when he retired to private life, he found it necessary to borrow 10,000 dollars to discharge the debts he had then contracted.

Deprived, then, of the income to which he had been for eight years accustomed, he could not but have felt solicitude as to his pecuniary concerns; and whatever might be the wisdom of his future plans, in the then unsettled state of the country as to its foreign relations, he must have felt strong doubts of their success.

In his reading, his taste seems to have undergone considerable change. In the rapid advance of physical science he was left so far behind, that he lost much of his former relish for it; and with political discussion, he found it in the principal vehicles for carrying it on, so alloyed with falsehood, calumny and coarseness, that he was sated with it to disgust. The study of the classics, then, and of mathematics were now the favourite occupations of his leisure. In his excursions to Poplar Forest he commonly travelled with a book of logarithms to aid him in the calculations which were continually suggesting themselves to his inquisi-

tive mind. A part of his hours of leisure were also devoted to the instruction of his grandchildren, in whose society he took great delight, and who amply repaid his tenderness with the most unbounded devotion and affection.

His domestic attachments, that were a source of so much pure enjoyment, were also a source of acute pain. His son-in-law was as bad a manager of a large estate as Mr. Jefferson himself. He was indeed more successful in making crops, and acquired the reputation of being a good practical farmer; but there his merit ended. After the crop was made, it was wasted by neglect, or tardily carried to market, or injudiciously sold. He, too, was encumbered with debts, and under the hope of extricating himself by the profits of his estate, or awaiting a more favourable moment to make sale of part, he got into the hands of usurers, whose exorbitant gains, according to the common fate of such expedients, in time swallowed up his estate. While this process was going on, it afforded matter of lively concern to Mr. Jefferson, and the greater, as he saw that the growing pecuniary difficulties of Colonel Randolph had an unfavourable effect on his temper. Originally one of the most generous, disinterested, and high minded men on earth, he was gradually transformed into a gloomy, unsocial misanthrope—his proud spirit suffering intensely, but suffering in silence, seeking solace of no one, but showing too plainly the discontent which secretly preyed on his mind, by the harshness or coldness with which he treated all around him. With such affections as Mr. Jefferson's, this would have dashed the cup of life with bitterness, though all besides had answered his wishes. Yet he bore these vexations with patience, and to the world wore the face of almost unclouded cheerfulness.

His correspondence took up much of his time, and if it amounted to a labour, and sometimes an irksome labour, it must also have contributed to draw him off from cares and reflections yet more wearing to the mind. Soon after he returned home he received an address from the legislature of New York, on his retirement from office, to which he returned the following an-

he the requisite knowledge of the qualifications of these men, engrossed as his attention had been by other pursuits since the crafty and knavish were forward in offering themselves to his service, he was often their victim. He also wanted severity and rigour which is no less necessary for the management of people than the slaves they superintend. With him an indolent overseer was likely to be excused, and a dishonest one to escape detection. There was always a burden laid on the labour of the estate in providing corn and fodder for the horses of his frequent visitors, and providing his table, and one which it was never wholly able to discharge. His passion for building, which was indulged at Poplar Forest as well as at Monticello, was a further drawback on the profits of those farms; for besides the pay of the workmen, a part of the labour which ought to have been appropriated to his own use was put in requisition to provide timber, stone, and brick. It may be supposed that, admitting his estate to have been productive, his salary was amply sufficient to defray his expenses while he was President, yet when he retired to private life he found it necessary to borrow 10,000 dollars to discharge the debts he had then contracted.

Deprived, then, of the income to which he had been so long years accustomed, he could not but have felt solicitude about his pecuniary concerns; and whatever might be the wisdom of his future plans, in the then unsettled state of the country and the foreign relations, he must have felt strong doubts of their success.

In his reading, his taste seems to have undergone considerable change. In the rapid advance of physical science he felt so far behind, that he lost much of his former relish for it. In political discussion, he found it in the principal vein, and carrying it on, so alloyed with falsehood, calumny and misrepresentation, that he was sated with it to disgust. The study of the history of the United States, then, and of mathematics, became now the favourite occupation of his leisure. In his excursion to Poplar Forest he travelled with a book of arithmetic to aid him in the calculations which were constantly suggesting themselves.

THE LIFE OF JOHN W. ...

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"To the Legislature of the State of New York:

"I receive with respect and gratitude, from the legislature of New York, on my retirement from the office of Chief Magistrate of the United States, the assurance of their esteem and of their satisfaction with the services I have endeavoured to render. The welfare of my fellow citizens, and the perpetuation of our republican institutions, having been the governing principle of my public life, the favourable testimony borne by the legislature of a state so respectable as that of New York, gives me the highest consolation; and this is much strengthened by an intimate conviction that the same principles will govern the conduct of my successor, whose talents, whose virtues, and eminent services, are a certain pledge that the confidence in him expressed by the legislature of New York will never be disappointed."

"Sole depositories of the remains of human liberty, our duty to ourselves, to posterity, and to mankind, call on us by every motive which is sacred or honourable, to watch over the safety of our beloved country during the troubles which agitate and convulse the residue of the world, and to sacrifice to that all personal and local considerations. While the boasted energies of monarchy have yielded to easy conquest the people they were to protect, should our fabric of freedom suffer no more than the slight agitations we have experienced, it will be a useful lesson to the friends as well as to the enemies of self-government, that it may stand the shocks of time and accident; and that your own may make a distinguished part of the mass of the prosperity it may dispense, will be my latest prayer.

TH. JEFFERSON.

Monticello, April 12, 1809.

During his administration some of his zealous friends in Connecticut had instituted a prosecution against a clergyman in that state, for a libel against the president, from the pulpit. As soon as he was informed of it, Mr. Jefferson wrote to Mr. Granger, the postmaster-general, then in Connecticut, that "he had laid it down as a law to himself, to take no notice of the thousand calumnies issued against him, but to trust his charac-

his own conduct and the candour of his fellow citizens;" he had no reason to be dissatisfied with that course, and unwilling it should be broken through. He therefore desired him to request the district attorney to dismiss the prosecution. Having afterwards heard of subpoenas for witnesses, made a peremptory request to the same effect. The district attorney did dismiss the prosecution, and accompanied the decision with the avowal that the court had no jurisdiction over it. There were other prosecutions, of which he had no personal knowledge, but they were all dismissed at the same time.

The clergyman afterwards, in a letter to Mr. Granger, avowed all personal ill will to Mr. Jefferson, and solemnly declared he had not uttered the words charged. 'These prosecutions were dismissed on the same grounds as he had himself maintained in the case of Duane, Callender, and others, in declaring the sedition law unconstitutional, and that his "obligation to execute what was law, involved that of not suffering rights secured by valid laws to be prostrated by what was no law." This subject had been mentioned in Congress for the purpose of bringing on him the charge of inconsistency; and as, at the instance of Mr. Randolph, a committee of inquiry concerning the prosecutions had been appointed, he wrote to his friend John C. Nicholas to make the requisite explanation.

In consequence of the despatches received from his government by Mr. Erskine, the British minister, he formally communicated to the government at Washington, about the middle of 1806, that he was authorized to make reparation for the men taken from the Chesapeake, he having considered the non-interference law as placing Great Britain and France on an equality. His offer was immediately accepted, and the next day, he informed the secretary of state that an envoy extraordinary would soon be sent to the United States to conclude a treaty on all questions between the two countries, and that the orders of January and March, 1807, would be repealed as to the United States on the president's renewing the intercourse between the two countries.

It was then agreed that the orders should be withdrawn on the 10th day of June, and the president issued a proclama-

tion stating the future withdrawal of the British orders on that day, when the commerce between the two countries would be renewed. In July following, however, intelligence was received that the British government meant to disavow the agreement of Mr. Erskine, because he had exceeded his instructions, on which a second proclamation was issued, reciting the facts, and declaring that the non-intercourse was still in operation.

On the 17th of August, Mr. Jefferson wrote to the president on the subject of the course he had pursued on being informed of the disavowal. He entirely approves the course taken by the president in the two proclamations he had issued. The first, he says, had been sanctioned by universal approbation. "It proved to the whole world our desire of accommodation, and must have satisfied every candid federalist on that head." He even says it ought to have taken place, "had the perfidy of the English been foreseen," by its placing them so shamefully in the wrong, and by the union it must produce in America. The second proclamation, which again suspended commercial intercourse, after it had been restored, he admits, was exposed to quibbles, but was quite defensible. He then adds, "Should Bonaparte have the wisdom to correct his injustice towards us, I consider war with England as inevitable: Our ships will go to France and its dependencies, and they will take them. This will be war on their part, and leaves no alternative but reprisal. I have no doubt you will think it safe to act on this hypothesis, and with energy." He thought "the moment open war was apprehended we should take possession of Baton Rouge, in East Florida. If we did not, they would, and New Orleans would become irrecoverable. Recurring to his former persuasion of the inveterate prejudice of George III., he says, "whatever turn our present difficulties may take, I look upon all cordial reconciliation with England as desperate, during the life of the present king. I consider the present the most shameless ministry that ever disgraced England. Copenhagen will immortalize their infamy. In general, their administrations are so changeable, and they are obliged to descend to such tricks to keep themselves in place, that nothing like honour or morality can ever be counted on in transactions with them."

Dr. Barton, of Philadelphia, having written to Mr. Jefferson for his vocabularies of the Indian languages, which he had been many years collecting, he was informed that they were almost wholly lost in sending them from Washington to Monticello. Mr. Jefferson says that he had been thirty years engaged in making the collection; that it had amounted to about fifty different vocabularies, which were arranged in collateral columns; and that he had intended, as soon as he had leisure to digest Captain Lewis's collection, to have them printed. Both the digest and originals were packed in a trunk of papers, which was sent round by water from Washington, with other packages. The weight of the trunk having induced a suspicion that its contents were valuable, it was stolen while ascending James River. The thief, disappointed on opening it, threw its contents into the river. Some leaves of the vocabularies floated ashore, and were found in the mud, greatly defaced. The only part of the original vocabulary among these was Captain Lewis's, of the Pani language, which he sent to Dr. Barton.

He regretted the accident the more, as, of the 250 words of his vocabularies, and the 130 words of the great Russian vocabularies of the languages of the other quarters of the globe, 73 were common to both, and would have furnished materials for an instructive comparison. He indicates some intention of attempting another collection.

If the number of words common to both continents was so great, notwithstanding the frequency with which one letter is converted into another, when uttered by the same organs—as one labial or dental for another—it seems probable, that by referring to these and other natural changes, the number which could be satisfactorily traced to a common origin, would be greatly augmented, and would proportionally strengthen this intrinsic evidence of the affinity between the American and Asiatic nations.

The Spanish minister, De Foronda, having sent him a copy of the proposed constitution of Spain, Mr. Jefferson, in acknowledging it, on the 4th of October, says, it is probably as free as is consistent with hereditary institutions; and he particularly commends that feature of it which provides that when the three

co-ordinate branches differ in their construction of the constitution, the opinion of two shall overrule the third. He took this occasion of solemnly declaring that the suspicion of *D'Yru*, the late Spanish minister, that the government of the United States had co-operated with Miranda, was unfounded. They were indeed apprized of his designs, but refused to aid him. Miranda was informed, that although we had strong grounds of complaint against Spain, "our hostility should be exercised fairly and above board." They had no suspicion that he meant to enlist men here, but thought his object was merely to purchase military stores, against which there was no law, and they deemed it improper to betray his voluntary communication. The officer of the customs who participated in this transaction was removed and prosecuted. He adds that he never, in any instance, countenanced a breach of faith, believing that there was the same code of morality for a public and a private man.

He lost none of his interest in public affairs, when he had ceased to guide them, and his attachment to the political principles he had professed, was as little affected by the languor of private life, as it had been by the possession of power. Understanding from Mr. Gallatin that in consequence of a want of harmony among the members of Mr. Madison's cabinet, he intended to resign, wrote to him on the 4th of October to dissuade him from what he regarded as a public calamity. "I consider, he remarks, the fortunes of our republic as depending, in an eminent degree on the extinguishment of the public debt before we engage in any war: because, that done, we shall have revenue enough to improve our country in peace and defend it in war, without recurring either to new taxes or loans. But if the debt should once more be swelled to a formidable size, its entire discharge will be despaired of, and we shall be committed to the English career of debt, corruption and rottenness, closing with revolution. The discharge of the debt, therefore, is vital to the destinies of our government, and it hangs on Mr. Madison and yourself alone. We shall never see another President and Secretary of the Treasury making all other subjects subordinate to this." He enforces his advice by other considerations, and takes occasi-

to express his grateful sense of the valuable aid Mr. Gallatin had afforded him in his administration, and that a large portion of the public approbation was due to him.

Mr. Cæsar A. Rodney, the Attorney General, having written to Mr. Jefferson, in January, on the difficulties of our foreign affairs, after the disavowal of Mr. Erskine's arrangement, Mr. Jefferson replied on the 10th of February, that the want of success they had experienced, was to be attributed to the unprecedented state of the world. "At any other period, he remarks, the even handed justice we have observed towards all nations, the efforts we have made to merit their esteem by every act which candour or liberality could exercise, would have preserved our peace, and secured the unqualified confidence of all other nations in our faith and probity. But the hurricane which is now blasting the world, physical and moral, has prostrated all the mounds of reason as well as right."—"And when, he asks, is this state of things to end? The death of Bonaparte, would, to be sure, remove the first and chiefest apostle of the desolation of men and morals, and might withdraw the scourge of the land. But what is to restore order and safety on the ocean? the death of George the Third would not do it, for his nation is permanent, and it is that which is the tyrant of the ocean. The principle that force is right, is become the principle of the nation itself. They would not permit an honest minister, were accident to bring such a one into power, to relax their system of lawless piracy. These were the difficulties when I was with you, I know they are not lessened, and I pity you." He justly observes as a strong motive for preserving the public confidence, "In times of peace the people look most to their representatives; but in war to the executive solely. It is visible that their confidence is even now veering in that direction; that they are looking to the executive to give the proper direction to their affairs, with a confidence as auspicious as it is well founded."

A letter to his friend General Kosciusko, at this time, gives a detailed account of the manner in which he passed his time, as well as some important details concerning the preparations

he had made for the defence of the country. He begins his letter by remarking that he is now absolved from the restraint which his late situation imposed on him in writing to Kosciusko. He states that by way of preparation for war, arms and ammunition were abundantly provided: several foundries of cannon were casting one piece every other day: that the increase of population added 40,000 young soldiers every year: we had a military school of 50 students: at all our seaports there were fortifications, and gunboats carrying one or two eighteen, twenty-four, or thirty-two pounders: that the works of New York would be finished in the ensuing summer, and would mount 438 guns, which, with the aid of from 50 to 100 gunboats, would be adequate to the resistance of any fleet that would ever be trusted across the Atlantic. He regrets that two measures recommended by him had not been adopted by Congress. One of these was to settle by donations able bodied young men on the ungranted territory of New Orleans, for its defence. The other was to class the militia according to age, and make all from twenty to twenty-five liable to be trained and called into service at a moment's warning. This would have given a force of 300,000 men. He would then have had the consolation of leaving the whole country, which had not a single seaport protected when he came to the government, in a state of security against any probable attack.

He thus speaks of his avocations. "In the bosom of my family, and surrounded by my books, I enjoy a repose to which I have been long a stranger. My mornings are devoted to correspondence. From breakfast to dinner I am in my shops, my garden, or on horseback among my farms; from dinner to dark I give to society and recreation with my neighbours and friends; and from candle light to early bedtime I read. My health is perfect, and my strength considerably reinforced by the activity of the course I pursue; perhaps it is as great as usually falls to the lot of near sixty-seven years of age. I talk of ploughs and harrows, seeding and harvesting, with my neighbours, and of politics, too, if they choose, with as little reserve as the rest of my fellow citizens, and feel at length the blessing of being free

to say and do what I please, without being responsible for it to any mortal. A part of my occupation, and by no means the least pleasing, is the direction of the studies of such young men as ask it. They place themselves in the neighbouring village, have the use of my library and counsel, and make a part of my society. In advising the course of their reading, I endeavour to keep their attention fixed on the main objects of all science, the freedom and happiness of man." He concludes by adverting to his pecuniary difficulties, and says he has to pass such a length of time in a thralldom of mind never before known to him. "But for this," he says, "his happiness would have been perfect." Among those who thus profited by his counsels in the way spoken of, were Mr. Rives, the late Minister to France, and Francis W. Gilmer, late Professor of Law in the University of Virginia.

His workshops were those of carpenters, blacksmiths, wheelwrights and nailsmiths. Mr. Jefferson was fond of exercising himself in mechanical employments. He had a small room adjoining his bed room, in which was a complete assortment of tools, in the use of which he had acquired much practical skill, and which at once enabled him to take exercise within doors, to find an agreeable relaxation for his mind, to repair any of his various instruments in physical science, and to execute any little scheme of the moment in the way of furniture or experiment. He had many very respectable workmen among his slaves, whose expertness had been greatly improved, both by his instructions and the diversified occupation which he afforded them. The carriage in which he ordinarily rode, his garden seats, even some of his household furniture, were the joint work of himself and his slaves. His favourite exercise, however, always was riding, and he never was unprovided with handsome horses. It was the only thing in which he was lavish of money for his exclusive gratification, and the four he purchased for his carriage when he was elected President, cost him 2000 dollars.

The dissensions among the members of Mr. Madison's cabinet, before adverted to, having now increased, Mr. Jefferson's remarks upon a mischief which has so often recurred in our govern-

ment to impede the course of the public business, are the more worthy of notice, as they were the suggestions of his varied experience. He states that during the first years of the administration of General Washington it was the practice, in all measures of importance or difficulty, for the President to hold a consultation with the Heads of the Departments, taking their opinions separately in writing, until the affairs of France and England threatened to embroil us, and rendered discussion desirable. In these discussions, he says, that Hamilton and he were daily pitted in the cabinet, like two cocks. There were four members of the cabinet, and according to the majority, which of course was three to one, the President decided. He himself had pursued the same course, because the harmony was so cordial among them all, that they never failed, in a single instance, by a comparison of views, to form an opinion acceptable to the whole. Yet this practice he thought less eligible than the other, for it thus converts the cabinet with the President into a Directory, and it being liable to the inconveniencies of a Directory, is not so constitutional as the other mode, which is also better calculated to prevent collision and irritation, and to cure it, he therefore recommends its adoption through Dr. Jones, a member of Congress from Virginia, to whom these remarks were addressed.

After noticing our difficulties abroad, he thus consoles himself with the reflection that our situation was better than that of any other country. "Every country but one on the continent of Europe demolished, a conqueror roaming over the earth with havoc and destruction, a pirate spreading misery and ruin over the face of the ocean. Indeed, my friend, ours is a bed of roses. And the system of government which shall keep us afloat amidst the wreck of the world will be immortalized in history. We have to be sure, our petty squabbles and heartburnings, and we have something of the blue devils at times, as to these raw-headed, bloody bones who are eating up other nations. But happy as we are, the mammoth cannot swim, nor the leviathan move on land; and if we will keep out of their way, they cannot hurt us. If, indeed, we choose to place ourselves within the sc

their tether, a gripe of the paw, or a stroke of the tail, may be our fortune. Our business was to be still. But a part of the nation chose to declare against this in such a way as to control the wisdom of government. I yielded with others, to avoid a greater evil. But from that moment, I have seen no system which could keep us entirely aloof from those agents of destruction."

At this time, and indeed for several years before, the uninterrupted military successes of Napoleon Bonaparte, and the gradual enlargement of his power to a height never before attained by man, excited not merely sympathy for the nations whom he despoiled of their independence, but very lively fears for that of the United States. It seemed as if the whole civilized world was destined, sooner or later, to bow to the ascendancy of his genius and fortune: and though some hopes were entertained that he would meet with an effectual check in Spain, yet similar hopes had too often proved abortive, for these to be very lively. In a letter to Mr. Langdon of New Hampshire, Mr. Jefferson thus discloses his views on this subject. "The fear that Bonaparte will come over to us and conquer us also, is too chimerical to be genuine. Supposing him to have finished Spain and Portugal, he has yet England and Russia to subdue." These two subdued, ancient Greece and Macedonia, the cradle of Alexander, his prototype, and Constantinople, the seat of empire for the world, would glitter more in his eye than our bleak mountains and rugged forests. Egypt too, and the golden apples of Mauritania, have for more than half a century fixed the longing eyes of France; and with Syria, you know, he has an old affront to wipe out. Then come 'Pontus and Galatia, Cappadocia, Asia, and Bithynia,' the fine countries on the Euphrates and Tigris, the Oxus and Indus, and all beyond the Hydaspes, which bounded the glories of his Macedonian rival; with the invitations of his new British subjects on the banks of the Ganges, whom, after receiving under his protection the mother country, he cannot refuse to visit. When all this is done and settled, and nothing of the old world remains unsubdued, he may turn to the new one. But will he attack us first,

from whom he will get but hard knocks, and no money? or will he first lay hold of the gold and silver of Mexico and Peru, and the diamonds of Brazil. A *republican* emperor, from his affection to republics, independent of motives of expediency, must grant to ours the Cyclops' boon of being the last devoured. While all this is doing, we are to suppose the chapter of accidents read out, and that nothing can happen to cut short or to disturb his enterprises."

The following was his theory of the English government: "The real power and property in the government, is the great aristocratical families of the nation. The nest of office being too small for all of them to cuddle into at once, the contest is eternal which shall crowd the other out. For this purpose they are divided into two parties, the Ins and the Outs, so equal in weight that a small matter turns the balance. To keep themselves in when they are in, every stratagem must be practised, every artifice used which may flatter the pride, the passions, or the power of the nation. Justice, honour, faith, must yield to the necessity of keeping themselves in place. The question whether a measure is moral, is never asked; but whether it will nourish the avarice of their merchants, or the piratical spirit of their navy, or produce any other effect which may strengthen them in their places. As to engagements, however positive, entered into by the predecessors of the Ins, why they were then enemies; they did every thing which was wrong; and to reverse every thing they did, must therefore be right. This is the true character of the British government in practice, however different its theory; and it presents the singular phenomenon of a nation, the individuals of which are as faithful to their private engagements and duties, as honourable, as worthy, as those of any nation on earth, and whose government is yet the most unprincipled at this day known." He then speaks of the general causes why princes should be superior to other men, and by way of illustration gives a sketch of the principal monarchs of Europe, which, in the style of broad caricature, retains enough of resemblance to the originals to be readily acknowledged.

In all his letters written about this time he still maintains the

opinion that the repeal of the embargo was unwise, and that its continuance would have produced the withdrawal of the British orders in council.* He says that the members of Congress from Massachusetts believing that civil war would be the certain alternative of the continuance of the embargo, caused its repeal. He seems to be confident that it was the settled purpose of Great Britain to claim the ocean as her conquest, and to prohibit any vessel from navigating it, but on paying such a tribute as would enable her to maintain a navy adequate to the support of her dominion. He expresses these opinions of Great Britain to General Dearborn, of Massachusetts,† and says, “radically hostile to our navigation and commerce, and fearing its rivalry, she will completely crush it, and force us to resort to agriculture, not aware that we shall resort to manufactures also, and thus render her conquests useless at least, if not injurious to herself in the end, and perhaps salutary to us, as removing out of our way the chief causes and provocations of war.” He adds, that “the change in Massachusetts, by driving her to agriculture, manufactures and emigration, might not lessen her happiness.”

This view of the future condition of the United States, supposing it just as to the hopes of Great Britain, greatly over-rated her power, and made too low an estimate of our means of resistance, as happily, a very few years afterwards, abundantly testified. The same experience also corrected another error into which too many of our politicians had then fallen. It taught us to make a juster appreciation of the value of American commerce to Great Britain, which, though very conducive to her prosperity, is not of that vital importance to her manufactures or colonies that we had been accustomed to suppose. It must be recollected that the amount of cotton then exported from the United States was not one-eighth of what it is at present. This article is of more importance than all the other products

*It is but justice to add, that such was also Mr. Madison's conviction, and he has more than once told me that the administration had indisputable evidence of the fact.

†In a letter dated July 16, 1820.

of the United States, and the privation of this portion of their supply would indeed be seriously felt by English manufacturers.

In answer to a letter received from the editor of a Washington journal, J. B. Colvin, he examines a question of political casuistry, "whether circumstances do not sometimes occur, which make it a duty in officers of high trust to assume authority beyond the law." This question he does not hesitate to answer in the affirmative, on very satisfactory grounds; but, as he properly observes, though it is a very clear one in principle, it is sometimes an embarrassing one in practice. He refers, by way of illustration, to several examples drawn from our own history, and he applies them to the justification of General Wilkinson, in arresting some of Burr's associates in New Orleans, and sending them to Washington for trial. One of the illustrations, though hypothetically put, suggests a doubt whether it might not have been nearly according to the fact. It is thus: "Suppose it had been made known to the executive of the Union in the autumn of 1805, that we might have the Floridas for a reasonable sum; that that sum had not indeed been so appropriated by law, but that Congress were to meet within three weeks, and might appropriate it on the first or second day of their session. Ought he, for so great an advantage to his country, to have risked himself by transcending the law and making the purchase? The public advantage offered in this supposed case was indeed immense: but a reverence for law, and the probability that the advantage might still be legally accomplished after a delay of only three weeks, were powerful reasons against hazarding the act. But suppose it foreseen that a John Randolph would find means to protract the proceeding on it by Congress, until the ensuing spring, by which time new circumstances would change the mind of the other party. Ought the executive, in that case, and with that foreknowledge, to have sacrificed the good to his country, and to have trusted to their justice the transgression of the law?" He thinks he ought. He properly considers, however, that this principle applies to officers invested with great powers, when the safety of the country or some of its very high interests are at stake, and the

nary cases, "the example of overleaping the law is of greater evil than a strict adherence to its imperfect provisions."

This autumn he made a visit of more than ordinary length to his estate in Bedford. Here he was more withdrawn from the public than at Monticello, both because he had a far more limited acquaintance in the neighbourhood, and was more out of the way of visitors from distant parts of the Union than at Monticello, which had long since been a place of attraction to zealous republicans. In these visits to Poplar Forest, of which he made several in the year, he was always accompanied by some of his granddaughters, and he generally remained there several weeks. And though he was here relieved from that press of company which was but too frequent at Monticello, he exercised a liberal hospitality even in this place, and was also in the habit of dining with two or three gentlemen in the neighbourhood, one of whom had always belonged to that party of which, as a mass, he thought so unfavourably, and spoke so harshly. Amidst his strong, and what must often be termed intemperate and unphilosophical prejudice against the federalists, he could always separate individuals from their sect, and not only his guests, but often also his friends were selected from the ranks of the party which so bitterly reviled him, and whose hatred he so cordially reciprocated.

CHAPTER XIV.

Poplar Forest. Mr. Jefferson's sentiments towards Great Britain. Letter to Mr. Law. National debt of England. Letter to Dr. Rush. Renewal of intercourse with Mr. Adams. Letter to Destutt Tracy. Thoughts on the federal and state governments. Separation. Correspondence with Mr. Adams. Letter to Mr. Maury—to the President. Common law of England. On his return to public life. Thoughts on manufactures. On the party divisions of the United States. General Washington. Letter to Madame de Stael. On a navy. Publication of his letters to Dr. Priestley. Explanation to Mr. Adams.

1813.

WHILE Mr. Jefferson held the opinion expressed in the preceding chapter, that it was the fixed purpose of the British government to assert the same supremacy on the ocean which they had actually maintained in the strait which separates their Island from France, it is not surprising that the belief should have given a keener edge to his resentment and ill-will, already sufficiently excited by provocations ancient and recent. These sentiments he was at no pains to disguise, and they accordingly furnished one of the themes of party reproach against him. It was a favourite theme too with his enemies, partly because it gave more colour to their imputation of his blind devotion to the interests of France, even in preference to those of his own country, and partly because it was certain to bring upon him the ill-will of a numerous and weighty class of the community, composed

of those natives of Great Britain who were domiciliated in the United States, and who, for the most part, possessed of intelligence and wealth, and still attached to the land of their birth, exercised great influence on public opinion in all the principal towns, and largely contributed to the support of the federal newspapers. Though he bore the calumnies of the press with more patience than most men, yet he was not insensible to them; and knowing the accusation of his subserviency to French policy to be absurd, and of hatred to England to be overcharged and unjust, he was at some pains to disabuse the public mind on these points, in the only mode in which he ever permitted himself to address it, by expressing his real sentiments to his correspondents. In this way he thought that truth would gradually obtain diffusion, and eventually acquire its proverbial ascendancy.

In a letter of January 16, 1811, to Mr. Law of Washington, an English gentleman, who had held a distinguished rank in the East Indies, but had been many years a resident in the United States, he makes a full exposition of his feelings towards Great Britain; and even those who persist in questioning his sincerity, must admit that these are the sentiments which he wished others to think he possessed, and of course those which he thought most consonant to truth and justice.

"No man," he remarks, "was more sensible than myself of the just value of the friendship of that country. There are between us so many of those circumstances which naturally produce and cement kind dispositions, that if they could have forgiven our resistance to their usurpations, our connexions might have been durable, and have insured duration to both our governments. I wished, therefore, a cordial friendship with theirs, and I spared no occasion of manifesting this in our correspondence and intercourse with them; not disguising, however, my desire of friendship with their enemy also." He says that he perceived friendly symptoms during Addington's administration, and while Fox was in power; but that every other administration since the revolution had been wanton in their injuries and insults, and manifested hatred. That instead of cultivating the

government, whose principles are those of the great mass of the nation, they had allied themselves with a faction here, not a tenth of the people. He treats the charge of personal enmity towards England as a mere newspaper calumny, unworthy of serious notice. "England," he remarks, "never did me a personal injury, other than in open war, and for numerous individuals there I have great esteem and friendship, and I must have had a mind far below the duties of my station, to have felt either national partialities or antipathies in conducting the affairs confided to me. My affections were first for my own country, and then, generally, for all mankind, and nothing but minds placing themselves above the passions, in the functionaries of this country, could have preserved us from the war to which their provocations have been constantly urging us." He speaks of the numerous classes in England who are interested in war, and whom the ministry must court, to keep their places. He anticipates great danger from what he calls "the crush of her internal structure." "Her monied interest, created by her paper system, and now constituting a baseless mass of wealth equal to that of the owners of the soil, must disappear with that system; and the medium for paying great taxes thus failing, her navy must be without support." He adverts to her attempt to subject other nations to tribute on the ocean, and says that "while it is desirable that she should have a fair share of the power on that element, the dominion she claims will be resisted by every nation *ad internecionem*."

This opinion of the ruinous effects of the national debt of Great Britain which was entertained by Mr. Jefferson, in common with many others, appears not sufficiently to discriminate between the case of a nation in debt and an individual. There are important points of difference between them. When an individual's expenses regularly exceed his income, and he continues to borrow to make up the deficiency, he must inevitably be ruined, be his estate what it may. He is able to obtain the funds of other people only by pledging his property, and he every year consumes a part of his principal, and finally consumes the whole. But in the case of national debts, it

have been contracted with the subjects of the nation, as is the English public debt, it is widely different. The money which is thus lent consists of the accumulations of individual industry and frugality—no one lends to the government what he needs for his own support, but only that which he has saved out of the excess of his income over his expenditure, and for which he prefers receiving a small annual sum of interest, more advantageous to him than any other mode of using it. The money, therefore, which is thus spent by the nation, is in fact part of its former savings. It was made by the nation before it was spent; whereas in the case of the individual, it was spent before it was made by the consumer. In both cases, indeed, the national wealth is diminished by a useless or wasteful expenditure; but while this waste may ruin the individual, it can never ruin the nation, or even make it poorer, further than to stop its further accumulation. It is true the nation is burdened with the payment of the annual interest, but that annual interest is received by a part of the nation; and though this burden may very materially affect the comforts of those who contribute to bear it, and change the *distribution* of the national wealth, it does not affect the *amount* of that wealth; and as its existence does not materially affect the means or strength of a country, so neither would its extinction, whether by payment or the sponge, impair or augment its resources. Thus, by way of illustration, let us suppose the government to be guilty of bad faith, and refuse to pay its creditors; it will then of course have occasion for so much less of tax: and although the creditors cannot pay, as they previously did, any part of the tax, yet as they also receive no interest, which, in the whole class of creditors, must greatly exceed what they pay as tax, the rest of the nation, which gains precisely as much as they lose, can make up the deficiency; and the means, which the country before possessed, of maintaining an army and navy, after paying its creditors, would remain, though the fortunes of the fundholders should be annihilated. The nation would then be in the situation of a rich landed proprietor, whose income exceeding his expenses, he had lent the excess to another; and when, if that other proved a

bankrupt or a swindler, and he of course lost the whole debt, he would still be possessed of the estate from which his former income had been derived, with its former means of profitable surplus undiminished, which he might either spend, or lend, or otherwise dispose of. And if we further suppose that the debtor derived most of his means of paying the interest from the creditor himself by gaming, horse-racing, and other modes of contribution, then he saves as much by ceasing to lose these sums as is equivalent to the interest he had previously received; and he forms a yet closer parallel with the case of a government supporting a wasteful expenditure. The very common predictions of the effect of the stoppage of the Bank of England were equally fallacious, both as to the institution itself and its effect on the nation.

His domestic habits at this period are noticed in a letter to Dr. Rush. "My present course of life admits less reading than I wish. From breakfast or noon at latest, to dinner, I am mostly on horseback, attending to my farm, or other concerns, which I find healthful to my body, mind and affairs, and the few hours I can pass in my cabinet are devoured by correspondences; not those with my intimate friends, with whom I delight to interchange sentiments, but with others, who, writing to me on concerns of their own, in which I have had an agency, or from motives of mere respect and approbation, are entitled to be answered with respect, and a return of good will. My hope is that this obstacle to the delights of retirement, will wear away with the oblivion which follows that, and that I may at length be indulged in those studious pursuits, from which nothing but revolutionary duties would ever have called me."

Dr. Rush having expressed a wish to restore the former friendship and intercourse between Mr. Adams and Mr. Jefferson, the latter replies that the discontinuance has not proceeded from him. He speaks in high terms of Mr. Adams's revolutionary services, his talents and virtues, but thinks that the party calumnies against himself made some impression on Mr. Adams's mind. He gives a history of their alienation, and of his own abortive attempt to revive their friendship, when, on the death

of his daughter, he had received a letter from Mrs. Adams. He vindicates himself from ever having spoken injuriously of Mr. Adams's character, though he disapproved both of the principles and practices of his administration, and he supposes Mr. Adams's conduct equally honourable. "But he thought it a part of his character to suspect foul play in those of whom he was jealous, and not easily to relinquish his suspicions." He concludes with professing his willingness to second Dr. Rush's efforts to revive their former friendly intercourse, and which he said would be the easier, as he did not "entertain a sentiment towards Mr. Adams, the expression of which could give him reasonable offence."

The whole of the intercourse which Mr. Jefferson maintained with this friend of his early life, represents him in a very advantageous light, both when Mr. Adams was the successful competitor for the high office of President, and when afterwards, in a second contest for the same prize, victory had changed sides. The advances, too, that he made on the small and equivocal opening afforded by Mrs. Adams; his persevering attempts to remove the ill feeling that he saw still remained, and the readiness and frankness with which he listened to the friendly mediation of Dr. Rush, manifest a benevolence of feeling and a suavity of temper which are rare, but are in strict accordance with the whole tenor of his life. His party prejudices were as strong, indeed, as those of most men, and he might even seem entitled to the merit of what Dr. Johnson calls a good hater, but his ill will to a sect never stood in the way of his charity towards individuals with whom he came into personal contact. He separated their virtues from their opinions, and in his cordial approval of the one, forgot or forgave the other. He has been reproached for what he has said of Alexander Hamilton, yet there was not one of that statesman's political opponents who spoke of him in such liberal terms as did Mr. Jefferson.

The reconciliation between Mr. Jefferson and Mr. Adams, which Dr. Rush was instrumental in restoring, underwent no subsequent interruption. From this time they kept up a friendly and frequent correspondence, and it seemed to have a salutary

influence on the opinions of both, and to draw them closer in political sentiment. At least Mr. Adams's views appeared to harmonize better with the tenets of the republican party than formerly, and Mr. Jefferson certainly lost much of his anti-anglican prejudice.

In the year 1809 he had received from Count Destutt de Tracy a treatise on government, which, in the following year, he procured to be translated and printed in Philadelphia, and for which he revised the proofs and wrote a preface. In a letter to the author in January, 1811, after bestowing on the work very high, and as most persons will think, overcharged eulogy, he ventures to differ from him on the subject of a plural executive, to which he, as we have seen, had long entertained a settled objection. He says that the experiment failed in France, not from any circumstance peculiar to the times or nation, but from those internal jealousies and dissensions in the Directory, which will ever arise among men equal in power, without a principal to decide and control their differences. He refers also to the Executive committee of the states, in the old Congress, which "fell into schisms and dissensions that became at length so inveterate as to render all co-operation among them impracticable." The failure was then "imputed to the temper of two or three individuals, but the wise ascribed it to the nature of man." But on the other hand, he considers our experiment of a single Executive to have been completely successful; and that, in General Washington's administration, had the cabinet been a Directory, the equal division of its members would have produced inaction. In his own, there was indeed a harmony to which history has perhaps furnished no parallel, yet he doubts, "able and amiable" as its members were, if such would have been the result, had each possessed equal and independent powers. "Ill defined limits," he remarks, "of their respective departments; jealousies, trifling at first, but nourished and strengthened by repetition of occasions; intrigues without doors of designing persons to build an importance to themselves on the divisions of others, might, from small beginnings, have produced persevering oppositions." But the power of decision in the President left no object for

internal dissention; and external intrigue was stifled in embryo by the knowledge which incendiaries possessed, that no divisions they could foment, would change the course of the executive power. He disclaims any bias in favor of executive authority from his own participations in it, both because he had been in the subordinate as well as principal stations; and because, if he knew himself, he was never so well pleased as when he could shift power from his own to the shoulders of others.

He thinks the danger of rendering the executive power hereditary are as strong or stronger, where the executive authority is vested in a plurality, as in a single hand. But his views on the conservative principles of the federal government have too direct a bearing on the main question, which divides American politicians, as to the right adjustment of power between the state and the general governments, and is too important in themselves to be abridged. They are as follows:

“But the true barriers of our liberty in this country are our state governments; and the wisest conservative power ever contrived by man, is that of which our revolution and present government found us possessed. Seventeen distinct states, amalgamated into one, as to their foreign concerns, but single and independent as to their internal administration, regularly organized with a legislature and governor resting on the choice of the people, and enlightened by a free press, can never be so fascinated by the arts of one man, as to submit voluntarily to his usurpation. Nor can they be constrained to it by any force he can possess. While that may paralyse the single state in which it happens to be encamped, sixteen others, spread over a country of two thousand miles diameter, rise up on every side, ready organized for deliberation by a constitutional legislature, and for action by their governor, constitutionally the commander of the militia of the state, that is to say, of every man in it able to bear arms, and that militia, too, regularly formed into regiments and battalions, into infantry, cavalry and artillery, trained under officers, general and subordinate, legally appointed, always in readiness, and to whom they are already in habits of obedience. The republican government of France was lost

without a struggle, because the party of "*un et indivisible*" had prevailed, no provincial organizations existed to which the people might rally under authority of the laws, the seats of the directory were virtually vacant, and a small force sufficed to turn the legislature out of their chamber, and to salute its leader chief of the nation. But with us, sixteen out of seventeen states rising in mass, under regular organization, and legal commanders, united in object and action by their Congress, or, if that be in *duresse*, by a special convention, present such obstacles to an usurper as forever to stifle ambition in the first conception of that object."

In adverting to the danger of secession from the Union, arising from local and occasional discontents, which he admits to be possible, and would be favoured by this organization, he remarks: "But it is not probable that local discontents can spread to such an extent, as to be able to face the sound parts of so extensive a union: And if ever they should reach the majority, they would then become the regular government, acquire the ascendancy in Congress, and be able to redress their own grievances by laws peaceably and constitutionally passed. And even the states, in which local discontents might engender a commencement of fermentation, would be paralysed and self-checked by that very division into parties into which we have fallen, into which all states must fall wherein men are at liberty to think, speak, and act freely, according to the diversities of their individual conformations, and which are, perhaps, essential to preserve the purity of the government, by the censorship which these parties habitually exercise over each other."

The opportunity which Mr. Jefferson seemed to desire for renewing his friendly intercourse with Mr. Adams, and which was increased by a second letter from Dr. Rush, was soon presented. Mr. Adams had forwarded to him some specimens of homespun by the post, and having informed him of it by letter, Mr. Jefferson answered it in a manner which showed how grateful the reconciliation was to his feelings. His letter, dated January 21, 1812, begins with remarks on manufactures, then an engrossing topic from the restrictions on the foreign com-

merce of the United States, and especially those of Virginia, when he takes occasion to say, "The economy and thriftiness resulting from our household manufactures are such that they will never again be laid aside; and nothing more salutary for us has ever happened than the British obstructions to our demands for their manufactures. Restore free intercourse when they will, their commerce with us will have totally changed its form, and the articles we shall in future want from them will not exceed their own consumption of our produce."

He thus warmly speaks of their former friendships: "A letter from you calls up recollections very dear to my mind. It carries me back to the times when, beset with difficulties and dangers, we were fellow-labourers in the same cause, struggling for what is most valuable to man, his right of self-government, labouring always at the same oar, with some waves a-head threatening to overwhelm us, and yet passing harmless under our bark, we know not how we rode through the storm with heart and hand, and made a happy port." He gives the following spirited sketch of the difficulties the country had experienced, and its continued career of prosperity in spite of them. "First the detention of the western posts: then the coalition of Pilnitz, outlawing our commerce with France, and the British enforcement of the outlawry. In your day, French depredations: in mine, English and the Berlin and Milan decrees: now, the English orders of council, and the piracies they authorize. When these shall be over, it will be the impressment of our seamen, or something else: and so we have gone on, and so we shall go on, puzzled and prospering beyond example in the history of man. And I do believe we shall continue to growl, to multiply and prosper until we exhibit an association, powerful, wise, and happy, beyond what has yet been seen by men. As for France and England, with all their pre-eminence in science, the one is a den of robbers, and the other of pirates. And if science produces no better fruits than tyranny, murder, rapine, and destitution of national morality, I would rather wish our country to be ignorant, honest, and estimable, as our neighbouring savages are."

Of his remarkable health and activity both of body and mind

he thus speaks: "I am on horseback three or four hours of every day; visit three or four times a year a possession I have ninety miles* distant, performing the winter journey on horseback. I walk little, however, a single mile being too much for me; and I live in the midst of my grandchildren, one of whom has lately promoted me to be a great-grandfather."

The correspondence thus renewed by these patriarchs, was kept up for the remaining fourteen years of their lives, when they both, by so singular a coincidence, expired on the great day of rejoicing which they had fifty years before contributed to make a national jubilee.

In a letter to the president, dated May 30, 1812, he argues against the policy which a few at that time entertained of a "triangular war," that is, with France as well as England, who were at war with each other. He thought it would reconcile neither the federalists, nor the *quids*, as the seceders from the republican party were sometimes called; that it would prevent our eastern citizens from fitting out privateers, and thus take away the only chance of lessening their discontents; would close every foreign market to our products; would insulate us in general negotiations for peace, making all parties our opponents, and indifferent about peace with us; that it was an act of "sublimated impartiality" at which the world would laugh, and would be generally unpopular here, as soon as it was explained, as it soon would be by those who were then its advocates. These views appear to be very cogent; and they finally prevailed with a large majority of Congress.

Judge Tyler of Virginia, having asked Mr. Jefferson's opinion as to the extent to which the principles of the English common, or unwritten law, prevailed in Virginia, the latter in reply said that he denied the ordinary doctrine that the first settlers of this country brought with them the *common law rights*, and which was generally adopted in the first moments of the revolution. They brought with them *the rights of man*.

* In this estimate, he refers to the road which he usually travelled, which, though more circuitous, was less hilly and rugged.

“On our arrival here, the question would at once arise, by what law will we govern ourselves? The resolution seems to have been, by that system with which we are familiar, to be altered by ourselves occasionally, and adopted to our new situation.” He adduces proofs of this from the statute law of Virginia. As a consequence of this doctrine, he doubts the propriety of citing English authorities after the period of emigration, and still more after the Declaration of Independence. One of the consequences of this exclusion of English authorities would be, to “uncanonize Blackstone, whose book, although the most elegant and best digested of our law catalogue, has been perverted more than all others to the degeneracy of legal science. A student finds there a smattering of every thing, and his indolence easily persuades him, that if he understands that book, he is master of the whole body of the law.”

On the question of codifying the principles of the common law, to which his correspondent seemed inclined, he refers to the decision of the committee of revisors against it, and declares himself still warmly opposed to it, as more likely to create uncertainty than to prevent it; though he consoles the judge by telling him that on this point he would have had on his side “one of the greatest men of the age,” meaning the late Judge Pendleton.

In September, he received a letter from William Duane of Pennsylvania, suggesting that his aid in the councils of the nation would greatly increase the public confidence in the present season of war and difficulty. Mr. Jefferson, in his answer, (October 12th,) professes so much of the Roman principle as to “deem it honourable for the general of yesterday, to act as the corporal of to-day,” if his services could be useful, but that he was “past service,” and that the decay of his bodily faculties apprised him that those of the mind could not be unimpaired. Referring to his studies, he says, “When I was young, mathematics was the passion of my life. The same passion has returned upon me, but with unequal powers. Processes which I then read off with the facility of common discourse, now cost me labour, and time, and slow investigation.” He thinks it a great blessing that he retains “understanding enough to be sensible how much of it he

had lost, and to avoid exposing himself as a spectacle for the pity of his friends." He expresses "so much confidence in the vigorous minds and bodies" of his countrymen, as well as in the wisdom of the president, to make such changes in the cabinet as should be found expedient, as to have no doubt of the final issue.

The encouragement of manufactures in the United States was then a favourite policy with those who supported the war, both for supplying the deficiency arising from the interruption of foreign commerce, and with a view of making the United States permanently more independent of Europe, and especially of England. Mr. Jefferson participated in this feeling, and was highly gratified at the account recently published by Melish of their progress in the western states. In a letter to the author, in return for a copy of his travels and maps, dated in January, 1813, he says, "I have not formerly been an advocate for great manufactories. I doubted whether our labour, employed in agriculture, and aided by the spontaneous energies of the earth, would not procure us more than we could make ourselves of other necessities. But other considerations entering into the question, have settled my doubts."

He controverts the author's proposition that the difference between the two great parties in the United States, was "whether the controlling power should be vested in this or that set of men." While he admits, that each party endeavours to get into the administration, he insists that the primary difference is one of principle, that is, the preference between monarchy and republicanism. He says there are three shades of opinion among the federalists. The *leaders* consider the English constitution as the most perfect model of a government, wish to assimilate that of the United States to it, and regard the present constitution of the United States, as a stepping stone to the final attainment of their wishes. But that these leaders differ as to the Union, a majority of them wish to preserve it, but a minority, considering the desired change as distant and uncertain, in the present state of things, wish to dissolve it that they may commence their favourite system. The principles of these three

divisions are therefore respectively, "Anglomany, Monarchy, and separation of the Essex* federalists. Anglomany and Monarchy of the Hamilton party; and Anglomany alone of the great body of the federalists."

The republican party, he says, are attached to the constitution, and if they have any ulterior view, it is "to popularize it further, by shortening the senatorial term," and increasing the responsibility of the judges. "They esteem the people of England and France equally, and equally detest the governing powers of both." He adds that, had the contest been merely to decide who should administer the government according to its genuine republican principles, there never was a moment in his life, in which he should have relinquished for it the enjoyment of his family, farm, friends, and his books.

He vindicates General Washington from the charge of federalism, as he here explains it; says he was neither an anglo-man, a monarchist, nor a separatist, and the only point on which they differed was, that he himself "had more confidence in the natural integrity and discretion of the people, and in the safety and extent to which they might trust themselves with a control over their government." He declares it a calumny in the monarchists, to associate General Washington with their principles, and a mere artifice in their party, to bolster themselves up on the revered name of that first of our worthies. "He renews his very common caution against the publication of his letter, as tranquillity is the *summum bonum* of a septagenaire."

Mr. Jefferson in May addressed a letter to the celebrated Madame de Stael, then in Stockholm, in answer to one received from her in the preceding November. After speaking of the happy hours he had formerly passed at her father's house in Geneva, and of the scenes of crime and misery which France had since witnessed, he inveighs against the tyrants of the land and the ocean, and enumerates our various wrongs from England before we also concluded to make war. "The object of England," he

* So called from a county in Massachusetts, then distinguished for the high tone of its politics.

says, "is the permanent dominion of the ocean, and the monopoly of the trade of the world; and to attain this she relies upon the resources of other nations in aid of her own. He points out her continually increasing exactions and restrictions.

Having given her a succinct history of the points in dispute between the United States and the European belligerents, which terminated in war with Great Britain, he informs her that "as soon as we heard of the partial repeal of her orders, we offered instantly to suspend hostilities by an armistice, if she would suspend her impressments," but she refused; and he adds, that peace is in her hand whenever she will renounce the practice of impressment. That England had misrepresented this ground of the war to all Europe, and called it a new pretension on the part of the United States; but the claim had been asserted from General Washington's time to the present day. She pretends that we sought to establish the principle that "free bottoms make free goods, or to protect her seamen, which we never had done." She pretended also that we "had observed a fraudulent and unfaithful neutrality between her and her enemy;" but she knew that if there has been inequality in our conduct towards the belligerents, it had been in her favour. Our ready acceptance of the mediation of Alexander of Russia, the cordial friend of England and enemy of Bonaparte, disproved this charge. He prays for the success of the mediation. This letter was not subscribed by his name, to guard against the effects of interception. He compliments her upon preferring exile rather than be yoked to the car of Napoleon.

In a letter to Mr. Adams, dated May 27, 1813, after noticing in a view of pleasantry the various theories which had traced the aborigines of this continent to a Hebrew, a Trojan, a Persian, or Tartar origin, &c., as unsatisfactory, he congratulates Mr. Adams on the successes of our little navy, as he had been the early and constant advocate of wooden walls. "If," he says, "I have differed from you on this ground, it was not on the principle, but the time, supposing that we cannot build or maintain a navy which will not immediately fall into the same gulf which has swallowed not only the minor navies, but even those

of the great second rate powers at sea. Whenever these can be resuscitated," he adds, "and brought so near to a balance with England that we can turn the scale, then is my epoch for aiming at a navy."

A little before the Constitution captured the Guerriere, Mr. Jefferson being at Poplar Forest, was invited to dinner by a gentleman in the neighbourhood, and the conversation turning after dinner on the events of the war, and the best means of defending our harbours, one of the company expressed a wish that our efforts should be directed towards a navy, and that the states should individually contribute their aid towards this object. Mr. Jefferson then delivered the opinion which he has here ingenuously avowed, that it was premature, and that we should, in providing a navy, be only building ships for the British. Yet ere the lapse of many weeks, the achievement of Capt. Hull, as well as those which followed, proved that this fear was a groundless one, and that the ocean was not more the element of the English than of their American descendants.

No one indeed seemed more sensible than Mr. Jefferson of the benefits which a navy could confer in protecting our maritime rights, nor of the glory which we were one day destined to acquire on the ocean. But he thought it was playing a hazardous game to expose ourselves to the naval power of Great Britain, accompanied as it was with every advantage of skill and experience, and confidence of success. From the data we then possessed, he hardly could be said to have reasoned ill, if we view the matter uninfluenced by subsequent events. A large portion of the reflecting part of the community saw the subject in the same light.

A little circumstance now occurred that threatened to interrupt the kind feelings which had been lately renewed between Mr. Adams and Mr. Jefferson. Soon after the death of Dr. Priestley, the letters which Mr. Jefferson wrote to him immediately after his inauguration, had fallen into the hands of one Lindsay, who thought proper to publish them in his own memoirs; and as there was in one of them expressions used towards Mr. Adams's answer to an address from the young men of Phila-

delphia, which were somewhat offensive, Mr. Adams addressed a letter to Mr. Jefferson on the subject. The latter, without disavowing any sentiment he had expressed, wrote a reply of the most conciliatory character. He says that his remarks to Dr. Priestley were intended to apply to the alarmists of England as well as to those of this country, and were not intended personally for Mr. Adams. He was mentioned because he had expressed more pithily one of the mottos of the party, as to the limits of improvement attainable by the human mind. The opinion then expressed, he conceives Mr. Adams cannot deliberately hold. It was merely an expression "lent to the prejudices of his friends." He further argues that Mr. Adams's offensive measures were attributed less to him than to the Pickering's, the Wolcotts, and others, by whom he was surrounded. He deprecates, in conclusion, the rekindling the passions of that day, "when so many of the actors are living, and all are too near the scene not to participate in sympathies with them," and he promises to receive any opinions Mr. Adams may express* with the liberality and indulgence that he asks for his own. It had the desired effect, and harmony was again restored between these venerable compatriots.

The public measures now in agitation in Congress afforded him an opportunity of exhibiting his views of banks and currency. It was proposed in Congress to establish a bank of the United States, both for the purpose of furnishing the community with a more uniform currency than the state banks then supplied, and of affording aid to the government, which, to meet the increased expenditures of war, was already a borrower, and was likely to become so to a much greater extent. Mr. Jefferson had never favoured these institutions, and probably the constitutional objections which had presented themselves to his mind against the one first chartered by Congress, and the equally strong objections of policy, when he regarded it an engine for operating on the moneyed and mercantile classes, unconsciously heightened his opposition.

During the pending of the discussion in Congress, he addressed

*Mr. Adams then proposed to write an account of his administration.

two long letters to his son-in-law, Mr. Eppes, then one of the representatives from Virginia, and chairman of the committee of ways and means, in which his opinions on money and finance, as well as the reasons on which they are founded, are fully detailed.

On the subject of public debt, he begins with the wise maxim that a nation should never borrow without at the same time levying a tax for paying the interest annually, and the principal in a given time; and to consider that tax as pledged to the public creditors. In this way it may always command, at a moderate interest, all the lendable money. He then reverts to his favourite doctrine, that the earth belongs to the living and not to the dead; so that every generation has the usufruct of the earth during its continuance, and no longer. By this rule its right would cease in nineteen years, when a majority of the community will consist of those who did not contract the debt.

He descants on the benefits of this principle in checking the spirit of war and lavish expenditure, urges that we ought to adopt it, and says that if any loan had been contracted during his administration, he should have strongly urged a redeeming tax; and he hopes the committee, too, will introduce the practice, though they do not make a formal recognition of the principle.

He thinks that, in an agricultural country like ours, the chief fund for public loans is the mass of *circulating coin*, which the government may obtain the use of by substituting paper money for it, and this too, without the payment of interest—the substitute answering all the purpose of the coin it represents. He estimates this fund in the United States at 200 millions of dollars, but remarks that the states had fooled it away to swindlers, under the cover of private banks, and that it had been withdrawn from useful enterprise to be employed in the useless and pernicious practices of “bank directors and their accomplices.” He refers to the experience of Virginia to prove that a paper not bearing interest is more fit for circulation than one which does; as the last is sure to be hoarded: and he imputes the depreciation of the paper issued in the revolution, solely to its excess.

He thinks that the advantage thus lost might be regained to the government by the co-operation of the states, and the plan he suggests for that purpose is to issue treasury bills, redeemable in fifteen years, and bearing an interest of 6 per cent. These bills he assumes would in a great degree be soon withdrawn from circulation. Their credit being thus established, others might be issued not bearing interest. As soon as their credit faltered, it might be restored by opening new loans, in which these bills should be received as specie. While these operations were going on, application should be made to the states to transfer the right of issuing or circulating paper to Congress during the war, if not perpetually—saving existing charters, which, when they had expired, were not to be renewed. The chasm thus made in the circulation by the discontinuance of state banks, Congress might fill up by their own paper, bearing interest or not, “as the state of the public pulse should indicate.” Such bills, he thinks, would eventually obtain circulation in those states which would not come into the scheme; and that this main resource of loan in our country, thus recovered, would be sufficient to carry the country through any war.

He had no objection to banks which give specie for discounted bills, but was opposed to those which exist in this country and Great Britain, and which have the effect of banishing specie from the country, and of carrying that nation to bankruptcy, as it carried France and the United States in the revolution, and will carry us again if the system is continued. He considers that they had already depreciated money to one half its former value.

Some months afterwards, November 6th, having received a letter from Mr. Law, of Washington, on the subject of a national bank, he wrote to Mr. Eppes yet more fully on this subject, in which, after urging objections to Mr. Law's scheme, he enforces his previous arguments against banks of circulation. Considering that their only advantage is to substitute a cheap for a costly instrument of commerce, he examines what is the extent of this advantage; and, supposing thirty-five millions to be a sufficient amount of money for the United States, that twenty-eight millions of this, being substituted by paper, could be exported, and

that fifteen millions of the amount would be returned in productive goods, and not in articles of prodigality, he estimates the fifteen millions thus substituted by paper, at one-twentieth of the annual produce of the country, and at but the hundred and thirty-third part of the national capital. This he regards as too small a benefit to compensate the intrinsic and solid advantages of a metallic medium, and the evils, moral, political and physical, of a paper currency.

He admits the convenience of a paper currency, but believes that it may be supplied to nearly the same extent by bills of exchange; and says that here, as in other countries, the complaint of an inadequacy of currency is made by projectors, and those who wish to extend their trade beyond their own capital or credit; and shows that they proceed on the same principles as those on which John Law founded his ruinous Mississippi scheme in France.

He adverts to the maxim current here at the adoption of the funding system, that a public debt is a public blessing, and shows the fallacy that the evidences of its debt can answer the purposes of currency, or add to the active capital of the country. But the establishment of banks he regards as involving the still greater absurdity that private debts are public blessings. Arguing from the excessive issues of the banks, which he still estimates at 200 millions, that money had depreciated to one half its former value, and that this depreciation must affect foreign commerce, and make it impracticable to export wheat to Europe; anticipating too that on the continuance of the present system the number of banks and amount of paper would increase, he infers that something would arise to occasion a run on the banks, when a general bankruptcy must ensue.

The only way he thinks of avoiding the evil is, for the states to cede to Congress their power of establishing banks, saving existing charters. "And this," he says, "should be asked, not by way of amendment to the constitution, because, until three-fourths should consent nothing could be done, but accepted from them one by one, singly, as their consent might be obtained." He is not, however, sanguine enough to believe that his scheme

would be adopted. "The overbearing clamour of merchants, speculators and projectors, will drive us before them with our eyes open, until, as in France, under the Mississippi bubble, our citizens will be overtaken by the crush of this baseless fabric, without other satisfaction than that of execrations on the heads of those functionaries who, from ignorance, pusillanimity or corruption, have betrayed the fruits of their industry into the hands of projectors and swindlers."

Theories which run counter to the general practice of a country should be closely scrutinized, as they will often be found either to have mistaken some material fact, or to involve some lurking fallacy of reasoning. Such practice, though it may be attended with partial evil, will commonly have a preponderance of good. There are, indeed, general national errors which continue to prevail until some happy invention or improvement removes them. This must be the fact, or there would have been no continued advancement in the condition of mankind, but the case should be clearly made out before we believe that the sagacious instinct of self-interest has been mistaken. These considerations are applicable to the institution of banks in the United States.

In some of the facts assumed by Mr. Jefferson, and not coming within the scope of his personal observation or experience, he is manifestly mistaken. He greatly overrates the amount of paper currency in the United States in supposing it to be 200 millions. Estimating the amount of bank capital, (not very much too high,) at 100 millions, he fell into an error not uncommon at that time, of supposing that their circulation was twice or thrice that amount. He was not aware of the general practice of paying up a part of the capital stock of every bank in its own notes or the notes of some other bank, the consequence of which is, that the issues seldom equal the capital, and sometimes are less than half. Thus, according to the estimate laid before Congress in 1834, while the capital of all the banks in the United States was 205 millions, that of notes in circulation was but 88 millions.

His objections to banks are founded on the assumption that

it is practicable for the country to return to a metallic medium, and that it would be wise to do so. The following considerations may be urged in opposition to these views.

These are a saving of time, trouble, and expense. After there has, by the progressive advancement of society, been a great accumulation of wealth in a community, men naturally resort to expedients to abridge the labour of transporting large amounts of the precious metals required for their numerous exchanges. We may form some idea of this when we recollect that a payment of ten thousand dollars in silver, would weigh 660 pounds. And although gold, by its greater value for its weight, is not subject to the same inconvenience, it has another, which is still greater. It requires to be weighed and assayed—the unassisted senses not being able to secure its receiver from fraud, either in the quantity or quality of the metal in the form of coin. Commercial nations have, therefore, soon endeavoured to rid themselves of these inconveniences by the expedients of bonds, bills of exchange, and bank notes, by which values could be transmitted from one place or person to another with more safety, rapidity, and ease, than it could be in gold or silver. They had indeed the same sort of advantage over these metals, which they once had over simple barter; and it is worthy of remark, that in a still more advanced state of wealth, men have devised a mode of saving even the time, and trouble, and risk of transmitting and circulating bank notes, by means of bank cheques, and a general meeting of the bankers whose cheques are received are set off against those they have paid away, and the difference only is paid in notes.

It is true that these substitutes for coin, being founded on credit, and not having intrinsic value, partake of the vicissitudes to which that is exposed, and may become worthless. But as men continue to use them, the benefits must be supposed to outweigh this inconvenience. The useful functions of money may be assimilated to that of a carriage, in giving facility to the transmission of values from person to person, as the other does from place to place; and though these vehicles may occasionally overset or be run away with, men still continue to use them, and resort

*but why
not adopt
bills of
exchange*

to various plans of avoiding or lessening the danger. After their convenience has been experienced, the scheme of attempting to do without one, is about as practicable as to do without the other. All then that can be done so as to regulate them is to increase the good and to lessen the mischief; for which purpose some have preferred banks of deposit, others, banks of circulation. Some have left the banking trade free, and others have confined it to those who obtained charters. Some have moulded the charter one way, and some another.

Mr. Jefferson seems also to underrate the benefit of the substitutions. At the time he wrote, it was probably between forty and fifty millions. It is true that the amount bears but a small proportion to the national capital, and not a large one to the national income, but its useful functions are exerted, whenever a payment is made with it, and according to the several payments made with a bank note in a year, is its utility multiplied. The amount of the paper money then very inadequately measures the value of its annual saving of time and labour, in addition to the clear addition which it makes to the active capital, by releasing so much of gold and silver from performing the office of money to be employed in any other way.

Nor can the depreciation caused by bank paper, be supposed to have been as great as he estimated it. It is true that the banks had then suspended cash payments, and the only efficient check on their issues being thus removed, they became excessive, and then paper consequently was necessarily depreciated, varying from 10 to 25 per cent. But while banks pay specie, there are narrow limits beyond which that depreciation cannot pass, for the moment they tend to pass it, the paper is converted into specie. As this process will soon have the effect of emptying the vaults of the bank, when its paper loses its credit, those institutions have a direct interest in keeping their issues within moderate limits, and of preventing depreciation. It is true they may somewhat depreciate gold and silver, but this evil also begets its own correction, by causing exportation of the redundant currency, and which being diminished in the banks compels a proportional reduction of the paper in circulation.

which restores its value, and consequently the profits and solidity of the banks.

It is also true, the great gain arising from the substitution of paper money for gold and silver, the state may appropriate to itself. Yet as this expedient is opposed to the danger of giving a corrupting influence to whatever functionaries of the government the purse was confided to, of abuses and malpractices in the agents of the government, of want of skill and prudence in making loans if the money was lent, and of still greater dangers if it were to await the disbursements of the government. The public therefore had better forego this advantage, and leave the business to the management of private capitalists, who would be prompted by self-interest to give to the public a safe currency, to lend only to those who would use the money most productively, who, looking to the institution as a source of profit, would be neither able nor willing to spend their money in political schemes, and who, moreover, may be subjected to the supervision of the legislature.

These letters were probably not without effect. The treasury notes which were soon after issued, may have been suggested by them, and the scheme entertained some time since of a treasury bank at Washington, seems to have been borrowed from the same source.

CHAPTER XV.

Correspondence with Mr. Adams. On party divisions. On the true principles of Christianity. On Aristocracy. His frank disclosure of his opinions. His opinion of Napoleon. Letter to Dr. W. Jones. Character of General Washington. To Mr. Cabell on the qualifications of Members of Congress. On the importance of Education, and the division of the country into Wards. The latter policy examined. Napoleon. Plato. Letter to Mr. Monroe. Capture of Washington. Public Finances. To La Fayette. Political condition of France. His feeling towards the English government and nation. Resign the office of President of the American Philosophical Society.

1813—1815.

He again wrote, on June 27th, 1813, to Mr. Adams on the unpleasant subject of his letters to Dr. Priestley. He says that the same parties which now divide the United States, have existed from all time. "Whether the power of the people, or that of the *epistates* should prevail, were questions which kept the states of Greece and Rome in eternal convulsions, as they now schismatize every people whose minds and mouths are not shut up by the gag of a despot; and in fact, the term Whig and Tory belong to natural as well as civil history. They denote the temper and constitution of mind of different individuals." He refers to the first Congress, when the "Jays and the Dickinsons," and other anti-independents were arrayed against Mr. Adams and himself. Then to the schisms between the "feds and

antis." Here he says they came together again, for although he at first wished that some of the states should hold off from the constitution until some amendments were made, he afterwards acceded to the wiser proposition of Massachusetts, that all the states should at once confirm the constitution, and then instruct their delegates to urge those amendments. As soon as the constitution went into operation, they again broke into two parties, and here he and Mr. Adams again separated. One party placed Mr. Adams's name at its head, the other selected his, but neither of them took any part personally in the discussions which ensued. These discussions were conducted with a bitterness which was never exceeded. Among the various modes of discussion may be named the private correspondence of individuals, in which, not being intended for the public eye, the writers were more unguarded. In this way they had both indulged themselves. They had probably done it, sometimes with warmth, often with prejudice, but always as they believed, adhering to truth. He says that one of his letters had, by the death of the friend to whom it was addressed, and by the malice and treachery of a third person, found its way before the public. That he had already explained how he came to mention Mr. Adams's name. He disclaims all intention of renewing these discussions as equally unavailing, and unsuited to their age; and he declares that his mind had been long fixed to bow to the judgment of the world, who would judge of him by his acts, and not take counsel of him, and that nothing could induce him to deviate from that course. That "those among us whose names may happen to be remembered, would be judged by posterity favourably or otherwise, according to the complexion of individual minds, and the side they shall themselves have taken."

The reconciliation between these venerable patriots seemed to have been complete after this letter, as a brisk correspondence was immediately afterwards carried on between them, on various subjects of morals and religion, particularly as to the opinions of Dr. Priestley, with which Mr. Jefferson's seemed

nearly to accord. Some of the subjects of their letters will now be briefly noticed.

In that of the 13th of October, he acknowledges to have received five letters from Mr. Adams and one from Mrs. Adams. He sends a copy of the syllabus he had prepared of a code of ethics. "In extracting the pure principles of christianity," he says, "he must strip off the artificial vestments in which they have been muffled." We must reduce one volume to the simple evangelists, select even from them the very words only of Jesus, paring off the amphibologisms into which they have been led, by forgetting often, or not understanding what had fallen from him, by giving their own misconceptions as his *dicta*, and expressing unintelligibly for others what they had not understood themselves. There will be found remaining the most sublime and benevolent code of morals which has ever been offered to man. "He adds that he had performed this operation for his own use, by cutting verse by verse out of the printed book, and arranging the matter which is evidently his, and which was as easily distinguishable as diamonds in a dunghill. The result was an octavo of forty-six pages of pure and unsophisticated doctrines."

After giving a sketch of the course to be pursued in drawing a comparison between the philosophy of the Greeks with that of Christ, he says, "such a canvass is too broad for the age of seventy, and especially of one whose chief occupations have been in the practical business of life." "We must leave, therefore," he says, "to others younger and more learned than we are to prepare the euthanasia for platonic christianity, and its restoration to the primitive simplicity of its founder." He agrees that Mr. Adams had justly characterized the theism of the three religions, when he said, that the principle of the Hebrew, was the fear, of the Gentile, the honour, and of the Christian, the love of God. Mr. Jefferson gives the Hebrew psalmist the palm "over all the hymnists of every language and of every time;" and he cites a passage from Sternhold, even "the leaden Sternhold," to prove the sublimity of the original.

Another learned dissertation follows on the 28th of October,

suggested by a passage from Theognis, which had been quoted by Mr. Adams. It is indeed a curious and interesting spectacle to see these veteran statesmen, for many years political opponents and rivals, the one upwards of seventy, and the other near eighty, passing their vacant hours in disquisitions often so foreign to their former pursuits, and to those subjects which were generally supposed to occupy their minds. It would seem as if, sated with political speculation and party contentions, these questions of the schools had to them the charm of novelty; or perhaps the exemption of such subjects from all tinge of acrimony or passion of any kind better harmonized with the quiet and placidity which age covets above all things.

But Mr. Jefferson could not long confine himself to these shadowy topics, so foreign to the habitual bent of his mind.

In the investigation of a fanciful theory of Theognis concerning the motives which occasion the commerce between the sexes, he insensibly glides into political speculation. He agrees with Mr. Adams that there is a natural aristocracy among men, the grounds of which are virtue and talents. "Formerly," he says, "bodily powers gave place among the *aristoi*. But since the invention of gunpowder has armed the weak as well as the strong with missiles of death, bodily strength, like beauty, good humour, politeness, and other accomplishments, has become but an auxiliary ground of distinction. There is also an aristocracy founded on wealth and birth, without either virtue or talents; for with these, it would belong to the first class. The natural aristocracy I consider as the most precious gift of nature, for the instruction, the trusts, and government of society. May we not even say that that form of government is the best, which provides the most effectually for a pure election of these *aristoi* into the offices of government. The artificial aristocracy is a mischievous ingredient in government, and provision should be made to prevent its ascendancy."

He then adverts to the difference of opinion between them on this point. He thinks the fears of an invasion of property are groundless, as is proved by the course of the several state legislatures. He says that their difference of opinion may be

ascribed to a difference of locality—that in Massachusetts and Connecticut there seemed to be “a traditionary reverence for certain families,” which had rendered the public offices nearly hereditary. He ascribes this partly to the real merit of these families, and partly to the strict alliance between church and state. “In Virginia,” he says, “we have nothing of this. There were wealthy families, but the only object of their ambition was a seat in the king’s council;” “their court was paid to the crown and its creatures, and they philippized in all collisions between the king and the people; hence they were unpopular, and this unpopularity continues attached to their names.” Adverting to the laws of Virginia in abolishing entails and the right of primogeniture, as laying the axe to the root of the pseudo aristocracy, he says the work would have been complete had the law also passed for the diffusion of learning. “Worth and genius would then have been sought out from every condition of life, and completely prepared by education for defeating the competition of wealth and birth for public trusts.”

He contrasts the situation of man in this country to that in the old world—every one here by his property and situation being interested in preserving law and order. He lastly, in a spirit of prophecy, which every day seems to make more probable, adverts to the change which science and the example of this country have had on the rights of the people. “An insurrection has consequently begun, of science, talents and courage, against rank and birth, which have fallen into contempt. It has failed in its first effort, because the mobs of the cities, the instrument used for its accomplishment, debased by ignorance, poverty and vice, could not be restrained to rational action. But the world will recover from the panic of this first catastrophe. Resort may be had to the people of the country, a more governable power, from their principles and subordination; and rank, and birth, and tinsel-aristocracy will finally shrink into insignificance even there;” and aware that his sentiments were not those of his correspondent, concludes in the following words: “I have thus stated my opinion on a point on which we differ, not with a view to controversy, for we are too old to change

opinions which are the result of a long life of inquiry and reflection, but on the suggestion of a former letter of yours, that we ought not to die before we have explained ourselves to each other. We acted in perfect harmony through a long and perilous contest for our liberty and independence. A constitution has been acquired, which, though neither of us thinks perfect, yet both consider as competent to render our fellow citizens the happiest and the securest on whom the sun has ever shone. If we do not think exactly alike as to its imperfections, it matters little to our country, which, after devoting to it long lives of disinterested labour, we have delivered over to our successors in life, who will be able to take care of it and of themselves."

Although Mr. Jefferson was a consummate politician whenever he deemed a resort to policy expedient and allowable, and few men then had more penetration in fathoming the purposes of others or in concealing his own, yet in his familiar conversation, and often in his letters, he was remarkably unguarded; and it was to his frank disclosures on these occasions that may be ascribed much of that excess of animosity which he experienced beyond any of his political associates. Though liberal as most men in estimating the private characters of individuals, and friendly in his personal intercourse with them, he was not sparing of his censures on their political principles and measures; and his denunciations, often pithy and terse, were repeated as well by his friends, for the purpose of giving aid to their cause, as by his enemies, for the sake of injuring him.

He bitterly complains, in a letter to Mr. Thomas Leiper, of Philadelphia, that an extract of a letter to a gentleman in England, with whom he had been long intimate, had been published in the newspapers; especially as some passages, taken singly, were calculated to convey a wrong impression of the whole. His correspondent had written to him to ask his friendly offices with the executive of the United States towards effecting a reconciliation between the two countries. Mr. Jefferson, in his answer, after referring to the numerous aggressions of England towards America and the forbearance of the latter, said that if there were any conditions which that country could offer and

this should accept, he was ready to be the bearer of them: and to show that he was free from that undue attachment to France with which his enemies accused him, he made some harsh remarks concerning Napoleon. These having been published in England, and republished here, Mr. Leiper, who had always taken a leading part among the democratic party in Philadelphia, sent to him to inquire if it was genuine, and to explain a sentiment respecting the ruler of France, not yet embraced by the mass of the republican party. He thus defends himself for the unreserved expression of his opinions: "What am I to do? Am I to button myself up in Jesuitical reserve, rudely declining any answer, or answering in terms so unmeaning as only to prove my distrust? Must I withdraw myself from all interchange of sentiment with the world? I cannot do this. It is at war with my habits and temper. I cannot act as if all were unfaithful, because some are so."

Mr. Jefferson, however, repeats his declaration that Napoleon was "an unprincipled tyrant, who was deluging the continent of Europe with blood." "Surely," he says, "none of us wish to see Bonaparte conquer Russia, and lay thus at his feet the whole continent of Europe. This done, England would be but a breakfast; and although I am free from the visionary fears which the votaries of England have affected to entertain, because I believe he cannot effect the conquest of Europe; yet put all Europe into his hands, and he might spare such a force as I would as lief not have to encounter, when I see how much trouble a handful of British soldiers in Canada has given us. No. It cannot be our interest that all Europe should be reduced to a single monarchy." Having thus made known his sentiments, he requests Mr. Leiper to give the requisite explanations to their common friends.

In December, 1814, he received from Dr. Walter Jones, formerly a representative in Congress from Virginia, an essay on the parties of the United States, with which he was highly pleased. But he takes occasion to qualify this remark of the author, "that the people ought to possess as much political power as can possibly consist with the order and security of

society," in lieu of which he would say, "that the people being the only safe depository of power, should exercise in person every function which their qualifications enable them to exercise, consistently with the order and security of society; that we now find them equal to the election of those who shall be invested with their executive and legislative powers, and to act themselves in the judiciary, as judges in questions of fact, and that the range of their powers ought to be enlarged."

Dr. Jones had said in his letter, that "in taking General Washington on his shoulders to bear him harmless through the federal coalition, he encountered a perilous topic." Mr. Jefferson differs from him as to the danger, and thinks that Dr. Jones's history of the course of his mind in the trying scenes through which he passed, was just.* He himself, then undertakes a delineation of Washington's character, which may be compared with the opinions imputed to him by his adversaries. The sketch has every appearance of candour, as it praises without extravagance, qualifies its commendations with caution and moderation, and does not blame at all.

It is in these words: "His mind was great and powerful, without being of the very first order; his penetration strong, though not so acute as that of a Newton, Bacon, or Locke; and as far as he saw, no judgment was ever sounder. It was slow in operation, being little aided by invention or imagination, but sure in conclusion. Hence the common remark of his officers, of the advantage he derived from councils of war, where, hearing all suggestions, he selected whatever was best; and certainly no general ever planned his battles more judiciously. But if deranged during the course of the action, if any member of his plan was dislocated by sudden circumstances, he was slow in a readjustment. The consequence was, that he often failed in the

*The high reputation which this gentleman enjoyed as a wit and a scholar, as well as Mr. Jefferson's eulogy, leads us to regret that his essay was never given to the public. Though fluent, and often even eloquent in conversation, he seemed to lose the power of speech as soon as he got upon his legs; and thus his fine genius was, except as to a few intimate friends, useless and unknown in the body of which he was a member.

field, and rarely against an enemy in station, as at Boston and York. He was incapable of fear, meeting personal dangers with the calmest unconcern. Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely weighed, refraining if he saw a doubt, but when once decided, going through with his purpose, whatever obstacles opposed. His integrity was most pure, his justice the most inflexible I have ever known, no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the word, a wise, a good, and a great man. His temper was naturally irritable and high toned; but reflection and resolution had obtained a firm and habitual ascendancy over it. If ever, however, it broke its bonds, he was most tremendous in his wrath. In his expenses he was honourable, but exact; liberal in contributions to whatever promised utility; but frowning and unyielding on all visionary projects, and all unworthy calls on his charity. His heart was not warm in its affections; but he exactly calculated every man's value, and gave him a solid esteem proportioned to it. His person, you know, was fine, his stature exactly what one would wish, his deportment easy, erect and noble, the best horseman of his age, and the most graceful figure that could be seen on horseback. Although in the circle of his friends, where he might be unreserved with safety, he took a free share in conversation; his colloquial talents were not above mediocrity, possessing neither copiousness of ideas, nor fluency of words. In public, when called on for a sudden opinion, he was unready, short, and embarrassed. Yet he wrote readily, rather diffusely, in an easy and correct style. This he had acquired by conversation with the world, for his education was merely reading, writing, and common arithmetic, to which he added surveying at a later day. His time was employed in action chiefly, reading little, and that only in agriculture and English history. His correspondence became necessarily extensive, and with journalising his agricultural proceedings occupied most of his leisure hours within doors. On the whole, his character was, in its mass, perfect, in nothing bad, in a few points

indifferent; and it may truly be said, that never did nature and fortune combine more perfectly to make a man great, and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance. For his was the singular destiny and merit of leading the armies of his country successfully through an arduous war, for the establishment of its independence; of conducting its councils through the birth of a government, new in its forms and principles, until it had settled down into a quiet and orderly train; and of scrupulously obeying the laws through the whole of his career, civil and military, of which the history of the world furnishes no other example."

How then, he asks, can it be perilous for Dr. Jones to take such a man on his shoulders. He asserts that the great body of the republicans think of General Washington as he does, and notwithstanding the pharisaical homage of the federal monarchists, he is loved by them less than by the republicans.

Mr. Jefferson also thinks that he had not a firm confidence in the durability of our government; that he was persuaded it must end in something like the British constitution, and that he gave his sanction to levees, pompous meetings of Congress, and the like forms, that the public mind might be gradually prepared for the change. These opinions were founded on a long and intimate acquaintance, from the year 1769; and during the four years that he was Secretary of State "their intercourse was daily, confidential, and cordial." He knows that he himself had been of late years industriously represented to him as a theorist, holding French principles of government. If, however, he could have again seen him, "these malignant insinuations would have been dissipated before his just judgment, as mists before the sun."

Mr. Joseph C. Cabell, then a member of the legislature of Virginia, wrote to Mr. Jefferson in January, 1814, to consult him on the question, whether it was competent for a state to add any qualification to those which the Constitution of the United States had prescribed for members of Congress. The question was agitated at that time, in consequence of rumours

that one of the districts beyond the Blue Ridge, which was in opposition to the administration, would elect Mr. Randolph, if he should again lose his election in his own district. As the election of a nonresident would have been against the general policy of the state, in elections, and Mr. Randolph, it was known, would have been a bitter and troublesome opponent to the majority, some persons were inclined to declare nonresidence in the district a disqualification, and hence probably arose Mr. Cabell's inquiry.

Mr. Jefferson, in his answer, states, that according to his first impressions, the states were precluded from adding any disqualification to those contained in the constitution, but he afterwards inclines to think they could, and he thus reasons the question: "Had the constitution been silent, nobody can doubt but that the right to prescribe all the qualifications and disqualifications of those they would send to represent them, would have belonged to the state. So, also, the constitution might have prescribed the whole, and excluded all others. It seems to have preferred the middle way. It has exercised the power in part, by declaring some disqualifications, to wit, those of not being twenty-five years of age, of not having been a citizen seven years, and of not being an inhabitant of the state at the time of election. But it does not declare itself, that the member shall not be a lunatic, a pauper, a convict of treason, of murder, of felony, or other infamous crime, or a nonresident of his district, nor does it prohibit to the state the power of declaring these or any other disqualifications which its particular circumstances may call for: and these may be different in different states. Of course, then, by the tenth amendment, the power is reserved to the state. If, wherever the constitution assumes a single power out of many which belong to the same subject, we should consider it as assuming the whole, it would vest the general government with a mass of powers never contemplated. On the contrary, the assumption of particular powers, seems an exclusion of all not assumed."

He, however, prudently adds, that on so recent a change of view, they should not be too confident, and that they should

admit this to be one of those doubtful questions on which men may honestly differ; that "when the line of demarcation between the powers of the general and state governments is doubtfully or indistinctly drawn, it would be prudent and praiseworthy in both parties never to approach it but under the most urgent necessity; and that the present did not seem to be a case of such urgency, since the local feelings of the people would be a sufficient security against the election of a nonresident, except in the case of persons of such eminent merit as to make it a good rather than an evil.

This letter probably had some share in preventing the proposed enactment. At the ensuing April, Mr. Randolph was elected in the district in which he resided, and there has never yet been an election of a nonresident in Virginia, though the experiment was subsequently made by Mr. Giles.

The construction to which Mr. Jefferson last inclines, seems to be attended with no less difficulty than the one which has been commonly made, for if the states may add disqualifications at pleasure, they may virtually annul this provision of the constitution; a result against which the constitution evidently meant to guard, in giving to Congress the power of regulating the elections as to time, place, and manner whenever it thought proper. On the other hand, this objection has the less weight, as the states may, in many other ways, arrest the course of the government, and annul the provisions of the constitution, by refusing to appoint senators, by refusing to choose representatives or electors. They might also, before the cession of the ten miles square, have, by an abusive exercise of the taxing and other powers clearly possessed by them, have rendered any portion of their territory extremely inconvenient, if not utterly unfit to be the seat of government. But it must be remembered by the objectors on both sides, that in all constitutions and laws many things of common occurrence and extreme probability are taken for granted, and are not deemed worthy of special provision: as that men will do those things which are obviously for their advantage, and that whenever a constitution becomes so distasteful to a people, as to induce them to refuse to perform the

acts necessary to its continuance, it neither can be preserved nor deserves preservation; so that we ought not to be influenced, in our interpretation of its meaning, by the supposition of cases, which, being extremely improbable, have not been deemed worthy of a special provision.

Mr. Jefferson, in conclusion, says that he had withdrawn himself from public affairs, except as to two subjects, the public education and the division of the state into wards; and these he should endeavour to further as long as he lived, because he considered them to be the two hooks on which republican government hangs.

Of the importance of education in those who exercise power, in superinducing moral habits and self-respect, all reflecting minds will agree. Nor is the advantage confined to popular governments, but it extends to all others in which public contents may produce mischief, or where the popular will has influence. But the particular local division of which Mr. Jefferson speaks, and which in the latter years of his life he never lost an opportunity of recommending, may not command the same unanimous suffrage in its favour. It seems exposed to more than one inconvenience; others not foreseen might probably occur in the experiment, and nothing but experiment could satisfactorily decide whether the benefit outweighed the disadvantage.

In the absence of this test, the following objections to the scheme have suggested themselves. In the first place, if all public questions, great and small, were easily submitted to the wards, and their decision should, either constitutionally or practically, become the controlling power of the state, then no sooner was any great question to arise in the state legislature, or in congress, than it would be taken up in the several wards; or though the impulse were wanting in some, it would be readily received from the example of the others in the neighbourhood, until the whole country was thrown into a state of feverish agitation; which, besides the expense of time it would occasion to those who could ill spare it, would be more favourable to a spirit of cavilling and discontent than to a just judgment of public men and

measures. But, with every advantage of coolness of temper, can these wards be supposed capable of deciding all questions? Can they take a view of the numerous and intricate relations involved in most great questions of public policy? Every one will agree that they cannot. If, however, they are either unconscious of their ignorance, or disregard it, both very probable contingencies, the country is then virtually subjected to the government of ignorance, and passion, and prejudice thus organized for concerted action, instead of intelligence, and foresight, and experience.

But it may be urged, that the benefit afforded by the sincerity with which the public welfare will be pursued, more than outweighs any disadvantage that can arise from the ignorance of the people. Is it, however, true that the public welfare will always be so exclusively pursued, and are there not other motives which may countervail this? Such a result seems but too probable, and the former will obtain the ascendant in proportion as self-love is stronger than the love of country. In these meetings there will be various passions at work, as well as a desire for the public interest. In many questions the interest which each individual or each ward may have, is remote and insignificant. Yet these same questions will be exposed to other sinister influences, to party prejudices and sympathies: to personal favour or ill-will: to the pride of opinion: to the vanity of prevailing in the contest: to the ambition of power and popularity. These elements of the contentious passions will mingle in all discussions, and often have more weight in deciding questions than the interests of the public; or rather they will, by the skill of the leaders, and the sophistry of the passions, be made to appear to be the public interests. Petty rivalships in the wards, or personal animosities, which sometimes take their origin from the most trivial causes, would, by enlisting the sympathies of the greater number, govern and direct all questions. The scheme, then, if practicable at all, would probably not prove to be any improvement in the present system, imperfect as it is, in securing a single unalloyed regard on the part of the representative for the interests of his constituents, and of

the whole community. But if it were conceded that private feelings and interests would have no adequate field for their exercise in these primary assemblies, and that nothing would be there regarded but questions of public concern, they would, even then, be likely to enhance the mischiefs of party spirit, the main source of impolicy and injustice in popular governments.

We know that from the quick sensibility to the public welfare, which is felt by all the citizens of a commonwealth, and their difference of opinion as to those interests, questions are ever arising which divide the community for a time into two sets of eager and angry disputants. But after parties are thus formed, and designated by a name, their success, which was at first regarded by their respective members as a means to some great public object, becomes, in time, an end itself; and with the impassioned and unreflecting multitude, the principal end, to which the public good which first produced them is itself postponed. In this way, a measure of policy is approved or condemned, not as it is wise and good, or the contrary, but as it may add to the strength of the dominant party, or weaken its opponents: and a public officer is appointed or displaced, not according to his fitness for the office, but as it may humour party intolerance and reward party zeal. A new principle of action thus arises, not only extrinsic to the public good, but often in direct conflict with it, which decides on the merits of candidates, on the adoption or rejection of public measures, and even on the construction of the constitution.

Now, this mischief, which but too often, in practice, deducts from the theoretic benefits of popular governments, would be enhanced by those assemblies where the people would be kept in a continual state of excitement, and where parties once organized could act with peculiar promptness, concert, and effect.

Even in the occasional cessations of party strife, if under this system such could exist, the people would be kept in a perpetual fever of expectation concerning the future, and of discontent with the past. The inconveniencies of any law or

public measure carried into operation would be readily perceived, and the voters at the ward meetings would be easily persuaded that they might have been avoided. They would, therefore, often be dissatisfied without cause, in cases too, when at present the evils are either not perceived, or are regarded as unavoidable: and the dissatisfaction would be the greater in consequence of the course pursued by any legislative body being so likely to differ from the crude schemes which had been previously approved or recommended by themselves. Had this ward system prevailed throughout the Union a year or two since, Georgia would have expelled the Cherokees from their natal soil by force, and provoked a civil war with the general government. South Carolina and Alabama would have annulled the revenue laws; and what may not Virginia have done after the Southampton massacre, or any southern state, since the incendiary proceedings of northern fanatics towards their slaves? In some states, the public fears concerning slaves would have been inflamed; in others, their indignation and revenge. Discussion and controversy would, in all cases, have enkindled the zeal of the conflicting parties, as they chanced to predominate in the moment of popular enthusiasm; each one would have had the power as well as inclination to go farther than any men who could have been chosen to represent them in the assembly, and many wards would have proceeded to carry their plans into practice. In some of the states mere political dissensions would have given rise to violence and injustice. It is indeed in the calm and dispassionate character of the great mass of the people that we find the most salutary and efficient security for the wise and honest conduct of the representative. Let these, however, be roused and excited, and besides that *they* are thereby likely to go wrong, *he* is sure, in nine cases out of ten, to be their ready and obedient instrument.

In a letter to Mr. Adams in July, 1814, Mr. Jefferson, adverting to the capitulation of Napoleon to the allies, thus speaks of one of the most remarkable events in a life teeming with wonders: "Shall you and I live to see the course the sevenfold wonders of the times will take? The Attila of the

age dethroned; the ruthless destroyer of ten millions of the human race, whose thirst of blood appeared unquenchable, shut up within the circuit of a little island of the Mediterranean, and dwindled to the condition of an humble and degraded prisoner on the bounty of those he has most injured. How miserably, how meanly has he closed his inflated career! What a sample of the bathos will his history present. He should have perished on the swords of his enemies under the walls of Paris." He confesses, however, his anxiety at seeing the tyrant of the ocean remaining in vigour, and even participating in the merit of crushing his brother tyrant. He feared there was an intention on the part of England to require of the United States to surrender their right to the fisheries, and he asks, what Massachusetts will say to this? He thinks her sister states ought to say to her, "If you would rather give up the fisheries than to war with England, we give them up. If you would rather fight for them, we will defend your interests to the last drop of our blood."

He had just returned from Poplar Forest, and, during the few weeks he passed there, he had employed himself in reading Plato's republic. He speaks most contemptuously of the "whimsies, the puerilities, and unintelligible jargon of this work," and says he often asked himself how the world could have so long consented to give reputation to such nonsense? He thus accounts for Plato's influence among the moderns. "In truth he is one of the race of genuine sophists, who has escaped the oblivion of his brethren, first, by the elegance of his diction, but chiefly by the adoption and incorporation of his whimsies into the body of artificial christianity. His foggy mind is ever presenting the semblances of objects which, half seen through a mist, can be defined neither in form nor dimension. Yet this, which should have consigned him to early oblivion, really procured him immortality of fame and reverence. The christian priesthood, finding the doctrines of Christ levelled to every understanding, and too plain to need explanation, saw in the mysticisms of Plato, materials with which they might build up an artificial system, which might, from its indistinct-

ness, admit everlasting controversy, give employment for their order, and introduce it to profit, power, and preeminence. The doctrines which flowed from the lips of Jesus himself are within the comprehension of a child; but thousands of volumes have not yet explained the Platonisms engrafted on them: and for this obvious reason, that nonsense cannot be explained."

Without denying that the sublimated speculations of Plato, in the main, merit the severe censure bestowed on them by Mr. Jefferson, another explanation may be given for the favour which this philosopher found among the earlier christian writers, without supposing it was the result of settled design. First, on account of his pure and lofty theism, and next because his mystical fancies could be made to harmonize with some of the more subtle doctrines which the controversies of the christian sects had engendered; and which were thus more readily received by the scholars of the age, when recommended by an authority of such celebrity.

He passed from Plato to the subject of classical learning, the neglect of which, in the education of the present day, he deeply deplores. He had even then looked forward to the establishment of a college in Virginia, where every branch of useful science should be taught, and he requests Mr. Adams's ideas on the subject.

Soon after the capture of Washington in December, 1814, he wrote to Mr. Monroe, then secretary of state, and imputed the disaster to the insubordinate temper of the secretary of war and the indecision of the commander of the forces; but with his usual propensity to look at the bright side of things, he adds, "however it ends well. It mortifies ourselves, and so may check, perhaps, the silly boasting spirit of our newspapers, and it enlists the feelings of the world on our side; and the advantage of public opinion is like that of the weather-guage in a naval action."

Mr. Monroe, who was then acting also as secretary of war, had proposed a plan, by which all the militia of the country was to be divided into classes, according to age, beginning with the first or youngest class, and then compelled to serve, as in the system of conscription in France. Mr. Jefferson highly approved of it, but it encountered vehement opposition in and out

of Congress, and the serious problem whether it could have been carried through, or what substitute would have been resorted to, was fortunately by the subsequent peace never solved.

On the subject of raising money, he thought no scheme so efficient as that of borrowing on the credit of specific redeeming taxes, and he scouts the attempt "by juggling tricks and banking dreams to make money out of nothing, and in sufficient quantity to defray the expenses of the war." He thought the people would furnish "all the necessaries of war produced by them, for paper thus funded, and adapted to circulation, instead of the bankrupt trash" they were then receiving for want of a better. He was in favour of encouraging privateers as the most effectual way of operating on the government of England, through the commercial interest, and said that they were the dagger which would strike at the heart of the enemy, their commerce. Frigates and seventy-fours, he adds, "are a sacrifice we must make, heavy as it is, to the prejudices of a part of our citizens," though he admits that they had rendered a "great moral service" to the country.

Mr. Jefferson seems to have taken very just and rational views of the political condition of France, after the last change in her dynasty. He writes to La Fayette in February, 1815, "More than a generation will be requisite, under the administration of reasonable laws favouring the progress of knowledge in the general mass of the people, and their habituation to an independent security of personal property, before they will be capable of estimating the value of freedom, and the necessity of a sacred adherence of the principles on which it rests for preservation. Instead of that liberty which takes root and growth in the progress of reason, if recovered by mere force or accident, it becomes, with an unprepared people, a tyranny still, of the many, the few, or the one." He reminds La Fayette of the proposition he had made in the early stage of the revolution, to secure by a compact with the king, the benefit of the *habeas corpus*, jury trial, freedom of the press, and religion, and a national legislature, which he would then have yielded; and to let them work out the amelioration of the condition of the people,

until they should have been rendered capable of more. He, La Fayette, had thought they were capable of more, and events proved that they were equal to the constitution of 1791; but, unfortunately, some thought they were capable of bearing still more, and from thence flowed all the subsequent sufferings and crimes of the French nation.

In noticing the danger of disunion from the Hartford Convention, he remarks: "I do not believe there is on earth a government established on so immoveable a basis. Let them in any state, even in Massachusetts itself, raise the standard of separation, and its citizens will rise in a mass and do justice to themselves on their own incendiaries."

Soon after the news of peace, in speaking of the British nation, Mr. Jefferson remarks, in a letter to Mr. Cæsar A. Rodney, the former attorney-general, "A friendly, a just, and a reasonable conduct on their part, might make us the main pillars of their prosperity and existence. But their deep rooted hatred to us seems to be the means which Providence permits to lead them to their final catastrophe. "*Nullam enim in terris gentem esse, nullum infestiores populum, nomini Romano,*" said the general who erased Capua from the list of powers. What nourishment and support would not England receive from a hundred millions of industrious descendants, whom some of the people now born will live to see here? What their energies are, she has lately tried. And what has she not to fear from a hundred millions of such men, if she continues her maniac course of hatred and hostility to them? I hope in God she will change."

From the beginning of General Washington's administration to Mr. Madison's, a period of about twenty years, one of the most copious sources of party jealousy and crimination, was the supposed undue attachment to France or England. Mr. Jefferson and his associates were charged with a readiness at all times to sacrifice the interests of their own country to that of France, sometimes from fear, and sometimes from attachment to her rulers. Nor was he, as we have often seen, slow to retaliate

on his adversaries the charge of bowing to British influence, either from a blind admiration of her institutions, or the selfish motive of obtaining support to their ambitious schemes at home. Without stopping to inquire how much of these suspicions were unjust, as undoubtedly was the greater part, there are obvious reasons why the British influence was greater than the French. The latter was founded only on national gratitude for their services in the American revolution, and on sympathy for their efforts to obtain civil liberty; which sentiments were counteracted by a difference of language, habits, and manners. But in all these particulars the natives of Great Britain were identified with the Americans. There were, besides, twenty English settled in the United States for one Frenchman; many of the former people of property, intelligence, and influence, who were able, by their perfect coalescence with the natives, to inculcate their opinions with a success which was impracticable to a Frenchman.

Mr. Jefferson firmly repels the charge of national hatred to England; and when it is recollected that he was writing to one who had been his intimate associate during the greater part of his administration, who had always belonged to the same party, and to whom his sentiments must have been well known, it is impossible to doubt that, in the following remarks, he gives a correct exposition of his sentiments.

“There is not a nation on this globe with whom I have more earnestly wished a friendly intercourse on equal conditions. On no other would I hold out the hand of friendship to any. I know that their creatures represent me as personally an enemy to England. But fools only can believe this, or those who think me a fool. I am an enemy to her insults and injuries. I am an enemy to the flagitious principles of her administration, and to those which govern her conduct towards other nations. But would she give to morality some place in her political code, and especially would she exercise decency, and at least neutral passions towards us, there is not, I repeat it, a people on earth with whom I would sacrifice so much to be in friendship. They

can do us, as enemies, more harm than any other nation; and in peace and in war, they have more means of disturbing us internally."

About the close of the preceding year he resigned the office of President of the American Philosophical Society, which he held for eighteen years.

"Monticello, Nov. 23, 1814.

"Sir,

"I solicited on a former occasion permission from the American Philosophical Society to retire from the honour of their chair, under a consciousness that distance, as well as other circumstances, denied me the power of executing the duties of the station, and that those on whom they devolved were best entitled to the honours they confer. It was the pleasure of the society, at that time, that I should remain in their service, and they have continued since to renew the same marks of their partiality. Of these I have been ever duly sensible, and now beg leave to return my thanks for them with humble gratitude. Still I have never ceased, nor can I cease, to feel that I am holding honours without yielding requital, and justly belonging to others. As the period of election is now therefore approaching, I take the occasion of begging to be withdrawn from the attention of the society at their ensuing choice, and to be permitted now to resign the office of president into their hands, which I hereby do. I shall consider myself sufficiently honoured in remaining a private member of their body, and shall ever avail myself with zeal of every occasion which may occur of being useful to them, retaining indelibly a profound sense of their past favours.

"I avail myself of the channel through which the last notification of the pleasure of the society was conveyed to me, to make this communication; and with the greater satisfaction, as it gratifies me with the occasion of assuring you personally of my high respect for yourself, and of the interest I shall ever

take in learning that your worth and talents secure to you the successor they merit.

“TH. JEFFERSON.

“ROBERT M. PATTERSON,

“Secretary of the American Philosophical Society.”

The society now, as before, had manifested the wish that Mr. Jefferson would continue in the office of president, and on the present occasion this desire was the stronger, from some discordance among the members as to the choice of his successor. On being informed of these facts by Mr. Vaughan, he thus bears testimony to the merits of Dr. Wistar, who was the individual selected.

“Dear Sir,

“Your very friendly letter of January 4, is but just received, and I am much gratified by the interest taken by yourself and others of my colleagues of the Philosophical Society, in what concerned myself on withdrawing from the presidency of the Society: my desire to do so had been so long known to every member, and the continuance of it to some, that I do not suppose it can be misunderstood by the public. Setting aside the consideration of distance, which must be obvious to all, nothing is more incumbent on the old than to know when they should get out of the way, and relinquish to younger successors the honours they can no longer earn and the duties they can no longer perform. I rejoice in the election of Dr. Wistar, and trust that his senior standing in the Society will have been considered as a fair motive of preference by those whose merits, standing alone, would have justly entitled them to the honour, and who, as juniors, according to the course of nature, may still expect their turn. I have received with very great pleasure the visit of Mr. T., and find him highly distinguished by science and good sense. He was accompanied by Mr. G., son of the late Lieutenant Governor of Massachusetts, of great information and promise also. It gives me ineffable comfort to see such subjects coming forward to take charge of the political

and civil rights, the establishment of which has cost us such sacrifices. Mr. T. will be fortunate if he can get under the wing of Mr. Correa; and if the happiness of Mr. Correa requires (as I suppose it does) his return to Europe, we must sacrifice to it that which his residence here would have given us, and acquiesce under the regrets which our transient acquaintance with his worth cannot fail to embody with our future recollection of him. Of Michaux's work I possess three volumes, or rather *cahiers*—one on oaks, another on beeches and birches, and a third on pines.

"I salute you with great friendship and respect.

"TH. JEFFERSON.

"JOHN VAUGHAN, Esq."

CHAPTER XVI.

Letter to the President. To Mr. Adams. Napoleon's return to Paris. Manufactures of the United States. Letter to Benjamin Austin. To John Adams—the good and evil of life—the benefits of grief. To John Tyler. Republican Government. Instructions to Representatives. Independence of the Judiciary. County Courts of Virginia. Extension of the Right of Suffrage. Federal Executive and Senate. Letter to Mr. Crawford. The Drawback System—Regulation of the Militia—Paper Money—Means of National Defence.

1815—1816.

HAVING received from Mr. Madison, then president, a tract on the causes and consequences of the recent war, he strongly urges the following reasons for the publication of it—"1. We needed it in Europe. They had totally mistaken our character. They would see that our long forbearance arose from our moderation, and our preference of the happiness of our people to that false honour, which keeps them in eternal labour, want, and wretchedness. 2. It would undeceive the people of England as to the causes of the war, who did not entertain a doubt that it was "entirely wanton and wicked on our part, and under the orders of Bonaparte. By rectifying their ideas, it would tend to that conciliation which was absolutely necessary to the peace and prosperity of both nations." 3. It was even necessary for the people of America, deceived as they had been with misrepresentations of the federalists.

He congratulates Mr. Madison on the peace, especially on the eclat with which the war was closed, and says that "the affair of New Orleans was fraught with useful lessons to ourselves, our enemies, and our friends, and would powerfully influence our future relations with the nations of Europe." He suggests that a separate convention would be the best mode of settling the question of impressment, rather than to blend it with a commercial treaty. And he repeatedly declared that without some provision on the subject, no treaty could be regarded as more than a truce, which would terminate with the first act of impressing an American citizen.

He was at this time engaged in arranging and sending off to Washington his library, which after that belonging to Congress had been burnt with the capitol, he had offered to dispose of to the government. It contained 10,000 volumes, for which he was willing to take 20,000 dollars; and to this offer, Congress, not without some opposition, acceded.

The return of Napoleon from Elba—his unmolested progress from the Mediterranean to Paris without an army, even without a body guard—and his quietly reseating himself on the ancient throne of the Bourbons, of which they, a few days before, had appeared to be in the secure possession, had now filled all minds with astonishment, and was the theme of every tongue. From the enthusiastic attachment of the army to the chief who had so often led them to victory, and the fear of every one else, all resistance disappeared, as it were by magic; the hereditary monarch yielded up the throne of his ancestors without a struggle; and the hopes and fears of thirty millions of men, nay, of all Europe, centred on one man, himself a penniless unarmed exile. Of this extraordinary event, and its principal actor, Mr. Jefferson thus speaks in a letter to Mr. Adams of June 10, 1815.

"A new trial of the Bourbons has proved to the world their incompetence to the functions of the station they have occupied: and the recall of the usurper has clothed him with the semblance of a legitimate monarch. If adversity should have taught him wisdom, of which I have little expectation, he may yet render some service to mankind, by teaching the ancient dynasties that

they can be changed for misrule, and by wearing down the maritime power of England to limitable and safe dimensions. But it is not possible he should love us; and of that our commerce had sufficient proofs during his power. Our military achievements, indeed, which he is capable of estimating, may in some degree moderate the effect of his aversions; and he may perhaps fancy that we are to become the natural enemies of England, as England herself has so steadily endeavoured to make us, and as some of our own over zealous patriots would be willing to proclaim; and in this view, he may admit a cold toleration of some intercourse and commerce between the two nations. He has certainly had time to see the folly of turning the industry of France from the cultures for which nature has so kindly endowed her, to those of sugar, cotton, tobacco, and others which the same creative power has given to other climates; and on the whole, if he can conquer the passions of his tyrannical soul, if he has understanding enough to pursue, from motives of interest, what no moral motives lead him to, the tranquil happiness and prosperity of his country, rather than a ravenous thirst for human blood, his return may become of more advantage than injury to us. And if again some great man could arise in England, who could see and correct the follies of his nation in their conduct as to us, and by exercising justice and amity towards ours, bring both into a state of temperate and useful friendship, it is possible we might thus attain the place we ought to occupy between these two nations, without being degraded to the condition of mere partisans of either."

The first part of another letter to the same correspondent, dated the 10th of August, will remind many of that singular coincidence by which these two venerable statesmen terminated their earthly career on the same day—that day which they had always regarded as the most memorable of their lives. "The simultaneous movements in our correspondence have been remarkable on several occasions. It would seem as if the state of the air, or the state of the times, or some other unknown cause, produced a sympathetic effect on our mutual recollections."

On the subject of the American revolution, Mr. Adams had asked, "who shall write it? Who can write it? Who will ever be able to write it." To which Mr. Jefferson answers, "Nobody; except merely its external facts; all its councils, designs, and discussions having been conducted by Congress with closed doors, and no member, as far as I know, having even made notes of them. These, which are the life and soul of history, must be forever unknown."

The suspension of foreign commerce during the war, and for some years before, had given great encouragement and extension to manufactures in the United States, especially in the northern and middle states, where they already had much of the requisite practical skill, and where the capital previously employed in foreign commerce was seeking a new investment. After the return of peace most of these enterprises at the south began to languish, and the labour and capital employed in them sought a more profitable employment in agriculture; and as the rise in the price of manufactures, and decline in raw products had called them into existence, they were discontinued with these causes. This, however, was not the case in the states which were better adapted to their prosecution. They had invested large capitals in these establishments, much of which would be destroyed by attempting to transfer it to other branches of business. They had also, under the encouragement of an inadequate supply for the demand, been very profitable, and these gains the manufacturers were naturally desirous to perpetuate. They could do this only by obtaining protection from the government against foreign competition; or in other words, by subjecting these to an impost, which, by enhancing their price, would prevent them from underselling the domestic manufacturer, and thus secure to the latter his wonted profits. Hence arose the tariff question, on which the different parts of the Union have such opposite interests, and which, increasing in zeal and bitterness by the commixture of party politics, threatened at one time a dissolution of the Union.

Before this question had been agitated, or the diversity of interests had been developed to the public mind, Mr. Jefferson

received a letter from Mr. Benjamin Austin, of Massachusetts, in which, among other things, he tells Mr. Jefferson that he "was quoted by those who wished to continue our dependence on England for manufactures," alluding to the passage in his notes* in which he discountenances the policy of establishing manufactories in Virginia. To this letter he gave a reply that has been triumphantly quoted by the supporters of the tariff. They have, however, given to it a force and effect which it will not justly bear. For while he seemed to have lost much of his former prejudice against manufactures and manufacturers, no one was more opposed to the measures pursued by their friends for their encouragement, or was more sensible both of their injustice and impolicy.

He thus accounts to Mr. Austin for the change his mind had undergone on this subject, since he wrote his "Notes," by the change in the circumstances of the country. That the commerce which offered raw materials for manufactures, deserved the favour of all nations; and that he had then thought that those nations who owed much of their wealth to manufactures would cherish the friendship of their customers, and at least treat them with justice. Assuming these facts on the question whether agricultural or manufacturing industry would most advance the national wealth in America, he had decided in favour of agriculture. He gives two reasons for this preference, one is that which modern political economy rejects, that "for one grain of wheat committed to the earth, she renders twenty, thirty, and even fifty fold; whereas to the labour of the manufacturer nothing is added." The other is, it afforded profitable employment on the ocean, and thus provided a nursery for the class of men who were to defend our rights on that element.

He says that then it could not have been foreseen that the two most civilized nations in Europe would have descended to robbery and piracy on the high seas, and thus have despoiled the United States of a thousand ships, and reduced thousands of their citizens to Algerine slavery. That we have been thus

* "That it was better for our work-shops to remain in Europe."

excluded from the ocean, and have thus learnt that to be independent for the comforts of life, we must fabricate them for ourselves. "We must now place the manufacturer by the side of the agriculturist," and the question is narrowed down to this, "whether we shall make our own comforts, or go without them at the will of a foreign nation;" and he justly remarks, that "in so complicated a science as political economy, no one maxim can be laid down as wise and expedient for all times and circumstances."

Mr. Jefferson here declares himself favourable to manufactures, not because he thinks it abstractedly the most eligible mode of employing capital and industry, but because it is the best mode of supplying us with manufactured commodities that is consistent with our peace, and the preservation of our rights as an independent nation. But if these objects could be effectually secured, and we could freely exchange our products for the products of other nations, he would, for all that appears to the contrary, still be unwilling to give any special encouragement to American manufactures.

Mr. Adams having inquired if he would be willing to live his seventy or seventy-three years over again, he answers it according to the sentiments of most men. And of those whose answer would be in the negative, the greater part would declare what the honest dictates of their heart contradicted; leaving but a very small number of those who, from some rare accumulation of misery, or a more lively sensibility to the pains of life than its pleasures, really regard existence in the abstract as an evil.

"I think with you," he says, "that it is a good world on the whole; that it has been framed on a principle of benevolence, and more pleasure than pain dealt out to us. There are, indeed, (who might say nay,) gloomy and hypochondriac minds, inhabitants of diseased bodies, disgusted with the present and despairing of the future; always counting that the worst will happen, because it may happen. To these I say, how much pain have cost us the evils which have never happened. My temperament is sanguine. I steer my bark with Hope in the

head, leaving Fear astern. My hopes, indeed, sometimes fail, but not oftener than the forebodings of the gloomy. There are, I acknowledge, even in the happiest life, some terrible convulsions, heavy set-offs against the opposite page of the account. I have often wondered for what good end the sensation of grief could be intended. All our other passions, within proper bounds, have a useful object. And the perfection of the moral character is not in a stoical apathy, so hypocritically vaunted, and so untruly too, because impossible, but in a just equilibrium of all the passions. I wish the pathologists then would tell us what is the use of grief in the economy, and of what good it is the cause, proximate or remote."

The question asked by Mr. Jefferson seems to be not materially different from that of the origin of evil, which has given rise to much ingenious disquisition among theologians, for the purpose of reconciling its existence with an omnipotent and benevolent Creator. But apart from these metaphysical refinements, the beneficial agency of the emotions of grief and regret are sufficiently obvious. We cannot, without extreme presumption, undertake to compare the effects of our nature, constituted as it is, with what they would have been, if that nature had been constituted differently. It should be sufficient, if we can show that the former is productive of beneficial results; and this is not difficult in the case of the emotion of grief. 1. That the loss of what we value should be attended with pain, as well as its possession with pleasure, is an additional incentive to its acquisition. If animals were not stimulated by the pain of hunger as well as the pleasure of eating, they might not have made the requisite efforts to procure food. 2. Our own sufferings quicken our sympathy and benevolence. This is never so strong as when we have experienced the same suffering. When Dido said, "*Haud ignara mali, miseris succurrere disco*," she gave *Æneas* satisfactory assurance that her own trials in adversity made her prompt and willing to relieve his distress. 3. There is no such discipline of the heart and moral feelings as grief. It deadens our sensibility to sensual pleasure, and elevates and purifies the soul from every selfish, debasing feeling. Shakspeare seems to

allude to this chastening effect when he speaks so beautifully of "the uses of adversity."

From the manner in which Mr. Jefferson himself notices this letter, and the light, sportive character of parts of it, the remark seems to have been carelessly made, and thrown out rather for a metaphysical exercise than as an inquiry seriously propounded.

Mr. Taylor of Caroline, formerly a member of the Senate from Virginia, having sent him a copy of his inquiry into the principles of our government, he takes occasion in his reply to express his opinion on some of its leading doctrines. 1. He agrees with the author as to the right of instructing representatives, and their duty to obey. 2. In reprobating the system of banking. 3. He considers funding a public debt as limited rightfully to the redemption of the debt within the lives of a majority of the generation contracting it. 4. In opposing the system of privileged orders advocated by Mr. Adams, and his opening the mantle of republicanism to every government of laws, whether it be consistent or not with natural right. He defines a republic to be strictly "a government by its citizens in mass, acting directly and personally, according to rules established by the majority; and that every other government is more or less republican, in proportion as it has in its composition more or less of this ingredient of the direct action of its citizens." He says that "such a government is evidently restrained to very narrow limits of space and population, and is perhaps not practicable beyond the extent of a New England township. The first shade from this pure element, which, like pure vital air, cannot sustain life of itself, would be where the powers of the government, being divided, should be exercised each by representatives chosen by the citizens, either *pro hac vice*, or for such short terms as should render secure the duty of expressing the will of their constituents. This I should consider as the nearest approach to a pure republic which is practicable, on a large scale of country or population." There are other shades of republicanism in other forms of government, according as the principal functionaries

of the government are wholly or in part chosen by the people, and for a longer or shorter term.

In speaking of the Constitution of Virginia, he says its purest republican feature was the House of Representatives (delegates.) The Senate, whose members are elected for four years, was equally republican the first year, less so the second, and so on. The Executive still less, because not chosen by the people directly, but by the legislature. The Judiciary, seriously anti-republican, because for life; and the national arm wielded, as you observe, by military leaders, irresponsible but to themselves; as the militia officers are appointed by the Executive, on the recommendation of the county courts. This part of the civil polity of Virginia he considers essentially vicious, because it possesses the powers of administering justice, taxation, police, and military appointments, and its members are self-appointed, self-continued, and hold their offices for life: lastly, he objects to the restriction on the right of suffrage to freeholders, saying that one half of our brethern who fight and pay taxes, are excluded like Helots, from the right of representation, as if society were instituted for the soil, and not for the men inhabiting it, or one half of these could dispose of the rights and the will of the other half without their consent.

In the general government, he considers the House of Representatives mainly republican; the Senate scarcely so at all, and much less so than the Executive. According to this standard, he says that our governments are much less republican than ought to have been expected, and he ascribes this, "not to the want of republican dispositions" in those who framed them, but to "a submission of true principle to European authorities, to speculators on government, whose fears of the people have been inspired by the populace of their own great cities, and were unjustly entertained against the independent, the happy, and therefore orderly citizens of the United States." He fears that "the golden moment is past for reforming these heresies. The functionaries of public power rarely strengthen in their dispositions to abridge it, and an unorganized call for timely amendment is not likely to prevail against an organized opposition to it."

As these principles of government were those which Mr. Jef-

erson uniformly professed, they may be presumed to be the result of his most deliberate reflection, and therefore he may be excused for bestowing on them a special notice.

Of the duty of the representative to obey the instructions of his constituents, men continue to entertain different opinions; some maintaining that the representative being a mere agent, and exercising vicarious power, he is bound to regard the wishes as well as consult the interests of his constituents; while others insist that the object of the government being to promote the general good, he must be considered as representing the interests of the whole community, and not of any particular portion; and consequently that he is not bound to obey the instructions of such particular portion.

In support of Mr. Jefferson's doctrine, it may be remarked, that however differently men may have reasoned on this subject, their practice is pretty uniform, and in conformity with his notions of right; and that the supposed duty of regarding instruction no farther than they appear to be right, like that which requires us to love our neighbour as ourself, is never discharged. If we look at any of our legislative bodies, and ask what it is which governs the votes of almost every member on every question where the two principles are in conflict—is it the interest of the Union at large, or purely of the state or even of the district that he comes from? We must admit that it is to the latter exclusively, as steadily as the needle to the pole. It is true that they commonly endeavour to show that the course they advocate is fitted to advance the general interests; but this they do to gain proselytes to their side that they may more effectually serve or gratify their immediate constituents. It is also true that now and then an individual may seem to furnish an exception to this prevalent course; but in most of these cases it will be found that he has had some private motive of interest or feeling, which outweighs the general motives of interest that impel him to consult the wishes of his constituents—such as to serve a party—to obtain favour with the executive—or he looks to the whole Union for his reward, and he expects to please by his vote a greater member than he offends. When these

cases of exception are deducted, it leaves the number of those who postpone the interests of their constituents to the general good, so very small, as to justify the opinion that this supposed duty always has been, and always will be, to men in general, an impracticable one.

It must be recollected that the question never can be important while the interests of the whole community and of the particular district coincide, as they do on many occasions; and it is only when they are in collision, that the question recurs which ought to be preferred. Besides the unreasonableness of expecting that men will disregard the wishes of those who have put them in office, and can put them out, they are less likely to understand the interests of the whole. A representative from Virginia may know very well what will suit his state, but very imperfectly understand what suits Massachusetts, Ohio, or Louisiana, and still less the interests of the greater number. Nor is it necessary that he either should have this knowledge or the disposition to exercise it. For if every representative faithfully consults the interests and wishes of his constituents, connected and modified as they always are with the interests of the whole, then will the interests of the whole be more effectually promoted, than if each one vainly attempted to look at nothing but the general good.

There will not unfrequently be strong inducements with the greater number to regard the interests of the community, rather than those of their immediate constituents, because these have no exclusive or peculiar interests in the question; because every part has an interest in the safety, the strength, and prosperity of the whole, and that interest is the object of the pride and sympathy of all. The general good will therefore be honestly and cordially promoted by each, whenever the measure proposed does not conflict with the immediate interests or wishes of his constituents.

But the principle of obedience to constituents is as easy to be enforced, as its opposite is impracticable; for so long as the right of election is exercised by the people, and their elections are frequent, they have the ready means of securing a compliance

with their wishes. In the first place, they are not likely to bestow their suffrages on any who do not agree with them in their general principles, and who do not moreover pledge themselves to consult their interests and wishes, as understood, and especially when expressed. And though such pledge has not been given, they will seldom fail to withdraw their support from one who has preferred his own counsels to theirs, and bestow it on some other whose opinions better coincide with their own. To suppose that men will quietly consent to see their wishes thwarted, their interests disregarded, their rights invaded by one whom they have invested with the power of acting for them, whenever they have the means of redress in their own hands, is to suppose men superior to the dictates both of self-love and of patriotism. The power then will be exercised when the time of reelection returns, and thus where the supposed duty was not disregarded by the representative, it would be annulled by the people.

It must be recollected too that whatever may be the considerations which should govern the representative in preferring the general interests to those of his district, the same can be also presented to his constituents, who are likely to appreciate them justly. It will generally be found that the mass of the people are not wanting in generosity or sympathy, whenever an occasion is presented to them; that they sufficiently identify themselves with the interests, the safety, and the honour of the nation; and that even where money is concerned, those who have little to spare, contribute their quota at least as freely as those who have much.

But, supposing the rule of political ethics to be as is contended, if now and then some lofty and conscientious mind were to be raised above the partial views and selfish considerations which the preceding arguments suppose, the objection would rather be increased than diminished by that circumstance, since by his disregard of the particular interests and instructions of his constituents, while the timid and selfish implicitly followed theirs, the latter would gain the double advantage of their own selfishness and of the disinterestedness of others.

Thus, in every aspect in which the subject can be viewed, the principle that instructions are not binding, seems objectionable. It is commonly impracticable from the feelings of the representative; it is defective from his want of local knowledge; it is rendered abortive by the power of his constituents, and so far as it is likely to be carried into practice, it may more often do harm than good.

His objections to banking have already been considered. Those to privileged orders he shared in common with the great mass of his countrymen, of every sect and party. Although one of his favourite maxims of government was, that the legislative, executive, and judicial powers should be separate and independent of each other, yet this was subservient to another, that they all should derive their power from the people, and be dependent on them. The dangers and inconveniencies of investing discretionary powers in the public functionaries without responsibility, he distinctly saw, and perhaps without exaggeration; but he seemed not enough to regard these as arising from a general and immediate agency of the popular will; as that it might be operated on by ill-founded prejudices, by sudden impulses of passion, by the influence of artful demagogues, so as sometimes to impel them to a course against their real interests, and to do that this year which they would repent of the next. The popular sentiment of Massachusetts in 1814, and that of South Carolina in 1833, might, if unchecked by circumstances, have led to results which the people of those states did not foresee, and which they would have been sure to deprecate.

As to the dependence of the judiciary, Mr. Jefferson stands opposed to the great mass of politicians and legislators throughout the Union. Its advocates say that one of the greatest advantages of a regular government is, that every citizen should know his rights and duties by pre-established rules, which no power short of that of the whole state should be competent to change. That he should be protected in these rights by punishing all violations of them; and that it is the province of the judicial power to afford this protection. This decides between conflicting claims of right; ascertains the limits to the duties of

the citizen, according to the general rules prescribed by the legislature and the abstract principles of justice; and protects the citizen from every unjust invasion of rights or imposition of duty. They are, therefore, the civil guardians of property, personal character, freedom, and life itself; since all are unsafe if this part of the government is suspended, or is corrupt or perverted. Yet if the judges were dependent on the favour of the multitude for the continuance of their office, it might often happen that they would be tempted to bend the rules of law in conformity with the reigning humour of the moment, or in complaisance to some popular leader. The danger is the greater, from the circumstance that if the judge has a leaning to one side rather than the other, it is in most cases easy for him to indulge his particular bias without any flagrant violation of law, and at any rate to give such glosses to his motives as to conceal them. It is, therefore, of importance to the honest discharge of their delicate functions, that they should have a feeling of independence. The scales of justice must not be exposed to the disturbing gales of fear or hope.

The truth and force of these arguments may be tested by a comparison between those states in which the judges are elected for short terms, and in those in which they are elected for life, as well by observing the course of corporation courts, in which the magistrates are commonly elected annually by the people, discover whether there is an undue complaisance to the popular sentiment or popular leaders.

There is another function coming more immediately within the province of the judicial power, which cannot be properly discharged without this sense of independence; and that is the power of determining when the limits prescribed to the other departments of the government have been transcended; in other words, of interpreting the constitution. Written constitutions propose laws to the legislature, but like other laws, their meaning is sometimes doubtful, and the question arises whether its rules apply to a particular case. The legislature, under the bias of temporary feeling, or the general disposition to enlarge its own powers, may give that construction to the

constitution which, to unbiassed minds, it will not bear. The same as to the executive power. It is essential to the safety of the community, and the stability of the government, that there should be some corrective to their irregular movements, to keep these departments within their proper orbit, and this power can be more safely placed in the judiciary than elsewhere.—1. Because, being more aloof from the great concerns of state, they are more likely to act dispassionately. 2. Because, being accustomed to apply rules to cases, and to reason on abstract principles, they are more likely to decide rightly, wisely, and consistently. 3. Because, having the command of neither the purse nor the sword, they have less weight and influence, and their power can never become the instrument of ambition. And it deserves to be remarked that Mr. Jefferson himself, sensible of the importance of such a tribunal, which, like a balance wheel, might correct the irregular movements of the machine, wished the constitution of the United States to give to its judiciary a controlling power over the authorities of the state government.

The county courts of Virginia are an anomaly in the civil institutions of America. The number of magistrates composing them is kept up from persons nominated by the courts themselves. It is true that the executive of the state has the power of rejecting the nominations of the county court; but as the public necessity for these magistrates may be very pressing, and as the motives to reject can seldom be so strong as to induce the executive power to put itself in collision with the court, the recommendation is virtually an appointment. There has not been a rejection perhaps in one case in a thousand. The consequence is, the power is substantially possessed by the courts, and is concentrated in a few families, who naturally endeavour to strengthen and perpetuate their influence and authority. Nor is this power inconsiderable. They have criminal jurisdiction in all cases of misdemeanour; the power of acquittal in all cases of felony; the power of nominating, which is equivalent to that of appointing, all militia officers below the rank of brigadier, and of making all the lucrative county appointments, as well as to fill

up the vacancies in their own body; the high sheriff is taken from the body by rotation every two years, and then returns to it; the power of laying poll taxes for county purposes; they establish or put down all the roads and bridges of the county. There is no individual in the county who may not be made to feel their favour or ill will. And yet such has been the general prudence, integrity, and impartiality with which these various powers have been discharged, that one rarely hears of a complaint against a court as a body; and by the great mass of state politicians, especially those who believe that there may be too great an infusion of the democratic spirit in our civil polity, they are regarded as the anchor of safety to the state which has hitherto kept her to her moorings in spite of the shifting currents of opinion, and would keep her against the driving tempests of popular fury. In some of the smaller counties, indeed, the weight of family influence in the court has been felt injuriously, but these cases are too rare to have produced a general impression. In the large counties, however, the number of the magistrates is too great, sometimes more than fifty, and they are too much dispersed over the county, (with a view to the convenient decision of small controversies,) to be confined to a small number of families. How far any of these features, favourable or otherwise, may alter, time only can show.

As to the limit of the right of suffrage to freeholders, the new constitution of Virginia has since extended it to all tax-payers, though, as many think, by a dangerous innovation. In support of Mr. Jefferson's views, it may be said, that the change was considered due to the first principles of political justice by most of the freeholders themselves, who had the benefit of the restriction, as well as by all the class whom it excluded. It therefore had the recommendation of pleasing a very large majority. But on the other hand, the extension of the privilege of voting to a class of men who are likely to be more ignorant, less liberal, less moral, and less independent than the rest of the community, evidently tends to adulterate the character of the representative body. The best security against mischief from the change is, that the infusion, under the present circumstances

of Virginia, is too weak to have much effect. In one county in twenty, in one year in twenty, the election may be decided by these worthless votes prevailing against those of the more intelligent and respectable; but in ordinary cases these votes will not be given one way, but will be mixed up indiscriminately with the rest; and even where they decide the election, it must be because the respectable classes are nearly balanced; in which case, their decision one way or the other, is not likely to be of much importance.

It is indeed very possible, that with a view of obtaining their suffrages as a caste, a candidate may pay court to their presumed feelings and prejudices, and disregard the honest dictates of his own judgment for the purpose of conciliating their favour, and thus lower the tone of political morality and the spirit of public measures; yet neither in South Carolina, nor in Maryland, where the right of suffrage is yet more extended than it is in Virginia, and with no greater counteractions than are to be found here, does it seem to have produced this debasing effect. The legislatures of no state have exhibited more liberality of sentiment, or greater superiority to the prejudices by which a time-serving complaisance flatters the passions of the multitude. A spirit of niggardliness, or of false economy, is as little to be observed in these states as any other, and it is chiefly in this way that the truckling spirit spoken of is most generally manifested. It must, however, be confessed, that the effects of these political institutions are commonly so small and gradual, that they are to be perceived only after they have been long in operation: and they may have operated to some extent before they are perceptible to ourselves, in the same way as the changes which time is ever producing on the features, though sufficiently striking in themselves, may pass unnoticed by those to whom they have been always familiar.

The opinion that the federal executive is more republican than its Senate, because the president is elected for a shorter term than the senators, and by the people instead of the state legislatures, may well be questioned. The large power and executive patronage with which the president is vested, is gene-

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as to afford all articles at the lowest price at which they can be afforded, they must sometimes necessarily be above this price, from the fear of overstocking the market. A higher tax will thus be levied on the community by the merchant, and yet the sum of his gains will be diminished by this inconvenient restriction. Drawbacks then merely restore foreign trade to its natural course, which had been previously disturbed by the import, and that course is always the most beneficial to the nation.

But say Mr. Jefferson and Mr. Crawford, granting that it encourages the carrying trade and the shipping interests, yet it is in this very way that it excites the jealousy of our commercial rivals, and exposes us to their lawless vexations, to disputes, and finally to war. This argument assumes that it is better to surrender an unquestioned right than to incur the risk of quarrel in defending it; and a nation that would show that it acted on this principle, (nor could its motives be concealed,) would give an invitation to aggression on its rights that would not be easily resisted. Nothing more need be done than to set up some plausible pretexts for invading any of its rights, and the same timid policy would recommend the surrender of the debateable ground, rather than to quarrel and fight about it. It is clear that if it is the interest of the navigating class of Great Britain to prevent the United States from carrying for other nations, it is equally her interest to prevent them for carrying for themselves. Nay, it is much more so, since they employ ten times as much shipping in the last business as in the first. For this country then to give up one branch of its rightful trade without a struggle, would certainly hold out an inducement to England to attempt to drive it from the other; and thus the evil sought to be avoided would not be prevented, but only postponed, until the nation should be goaded into resistance. When, however, it has finally resolved to assert its rights by an appeal to arms, it does so under the double disadvantage of the loss it has tamely submitted to, and of acting against its own previous example; a circumstance which gives courage and confidence to an enemy, and is proportionally dispiriting to ourselves. In these cases of clear invasions of right, it is with nations as with individuals,

safety is best found in courage; and a prompt resistance of injustice is the surest way of preventing it.

Mr. Jefferson himself, a few years before, had persuaded himself that it was the settled policy of Great Britain to drive Americans from the ocean, from a dread not merely of their future rivalry of her maritime power, but also of her commerce. If so, the voluntary adoption of this policy would have been to second her purpose to a considerable extent, without any cost or exertion on her part. Fortunately other councils prevailed, and our commerce and shipping have increased to that point, which in case of another war, would enable them to defend themselves.

The second measure of policy recommended by him, that of disciplining the *elite* of the militia so as to have it always in readiness to take the field, would certainly be a very efficient measure, and may have been once a very prudent one; but in the present state of the world, it seems hardly necessary to introduce so great an innovation on the settled habits of the people. No wise nation will neglect the art of war, which so multiplies the physical force of a country, and which, having shown itself so formidable an engine for assailing and overpowering independent nations, should be made to exert the same power in their defence; but this art, and the necessary military spirit, may be kept up without so inconvenient a tax on the time of the young men as the scheme in question proposes.

The third measure, of prohibiting the issue of paper money, except in time of war, and then to confine the benefit of it to the government, would unquestionably greatly increase the resources, but there would be some difficulties in the way of its execution; and supposing them removed, it may be questioned whether the advantage would be worth the price paid for it.

The execution of the plan would not be without difficulty; for, after a people have had experience of the advantages of paper over metallic money, as to cheapness, facility of transmission, security, and saving of time, it is not easy to deprive them of it, but by interdictions which would forbid ordinary commercial dealings: and supposing paper currency of all kinds

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and changed the tenure of their office. In refusing to make the governor elective by the people, the convention was probably influenced by the observation they had made on the states of New York and Pennsylvania, where that mode of election prevails. They there found the community kept in a perpetual fever of agitation, by which social harmony is destroyed; men of nice feeling and honour retiring from the political arena in disgust, and leaving it exclusively to the coarse, and unprincipled, and necessitous; the interests of the community often lost sight of in the eager pursuit of self-interest; and the public judgment, seeing every thing through the mist of passion and party prejudice, thus perpetually enkindled, incapable of rightly performing its office, either as to men or measures. They, therefore, preferred the more quiet way of choosing by the legislature, to which they had been accustomed, and which may answer all the essential purposes as well as a choice by the people. Without a question the legislature can better judge of the qualifications of the individual nominated than the mass of the voters; it is less liable to be deceived by misrepresentations; and if the officer so chosen feels somewhat less dependent on popular favour, that may sometimes be an advantage. A course less consonant to justice or to some less obvious points of policy, may occasionally be the most popular; and if the chief magistrate were immediately dependent on the people, he might consult their present favour more than their honour, duty, or permanent advantage.

The choice of judges by the people had no advocates, or next to none in the convention. Those who wished to add to that responsibility, which a regard to character inspires, so far prevailed, as to make them removable on the vote of two-thirds of the legislature. The great diversity among the several states in this particular, without acknowledged inconvenience, and without any distinctly visible effect, would seem to show that the dependence of the judges on popular favour, is far less to be dreaded in a popular government than their dependence on the crown in a monarchy. At the same time it must be confessed that our government has not yet been put to the severe

trials which a denser population and more agitating questions may bring on.

The mode of choosing jurors which he condemns, seems to deserve all the censure he bestows, but the subject was left to the regulation of the legislature. The convention also refused to change the character of the county courts, either by abridging their powers, or altering their mode of appointment. For, besides the direct influence in the convention, arising from their power, wealth, and numbers, there were many to whom the anomalous feature of aristocracy, in their mode of appointment, was matter of state pride. The speculative objections against these courts, urged by Mr. Jefferson and others, have great seeming force, and it is for time alone to establish or disprove them, since the absence of present danger or serious mischief may be readily explained by circumstances that are of a temporary character. The ward system was not only not adopted, but it met with but weak support.

The convention also omitted to make any provision for amendments to the constitution, the members seeming to think that by rendering the fabric they had erected, incapable of repair, and reducing those who wished it changed to the alternative of either bearing its inconveniencies, or of putting it down altogether, was better than to subject it to the hazards of frequent attempts to alter it. They were right in supposing that the fear of losing something that they value, will induce men to be patient of evils they might otherwise attempt to remedy, and that this fear is a check to a rash spirit of innovation. But it must be remembered that it may also prevent the correction of real mischiefs. This feature is farther responsible, not only for the partial inconveniencies that may be tolerated from the fear of change, and which might be quietly *remedied*, but also for all the *mischievous innovations* which may take place when the whole instrument is subjected to revision. If we consult experience, the only sure guide in political science, we see few instances, if any, in the other states, of a change made in their constitutions, except when such change was urgently demanded by evils actually felt. Supposing the fear of change from light causes to

be unfounded, the argument in favour of a provision for partial amendments seems unanswerable. There is danger of a rash spirit of innovation, or there is not. If there is, the omission to provide for partial amendments gives greater scope for its exercise, whenever the whole constitution is subject to revision, as we find it will be. If there is none, then the caution was not only unnecessary, but mischievous in compelling the community to submit either to partial inconvenience, or to the troublesome and agitating process of correction, by a general convention.

It seems consonant to both natural justice and wise policy to limit public loans to short periods; so as to make them redeemable within the generation which contracts them; but, for the reasons that have been already given,* it seems probable that these considerations will always be outweighed by the temporary motives of interest or convenience, so as either to prevent the stipulation when the loan is made, or yet more probably, to prevent its punctual execution afterwards.

In a subsequent letter to the same correspondent, he speaks of the right claimed by the eastern part of the state, to have a representation for their slaves, of whom they possessed almost nine-tenths, which claim he thinks clearly inadmissible; and he distinguishes between the application of this principle to the several states of the confederacy, and to the different portions

* The evil of national debts consists in the facility they give to governments to a lavish expenditure of the national capital; for, if the same money were to be raised by taxes, they would not, and could not raise as much money. But supposing the money thus obtained necessary for the public safety, or judiciously expended, there seems to be no material difference on the national prosperity between raising the money by loans or by taxes, and there are some advantages in favour of loans. They virtually offer to every man the choice whether he will pay his proportion of the public expenditure at once, by lending to the government, so that the interest he is entitled to receive, will be equal to the additional taxes he is required to pay, or to keep the principal and pay the interest: and as most people find the latter course most advantageous, and as competition is produced among the great capitalists to advance the money for the interest, the nation spends that portion of the capital that can be best spared, and is least productive.

of the same state, both because the federal constitution was a matter of compromise, and because its functions are principally limited to foreign concerns, in which the whole population is always regarded, however unequal may be the political rights of the several parts, under their municipal laws.

The discrimination between slaves and freemen presented itself to the old Congress, in 1776, in fixing the rule of contribution to the public defence; the southern states insisting that the rule should be in proportion to the number of freemen, and the northern states that it should be in proportion to the whole number of inhabitants, and so it was decided. In the federal constitution, however, when the same question recurred, both as to representation and taxation, a compromise took place, according to which five slaves are counted as three freemen in determining the number of representatives to which each state is entitled; and in all cases of *direct taxation*, (in contradistinction to taxes on consumption,) each state contributes according to the same rule of representation.

In the convention for revising the constitution of Virginia, the question again presented itself in determining the rule of representation in the legislature; and being one in which the interests of the eastern and western counties were in conflict, it excited so much feeling as to threaten to render the meeting abortive. The dispute was, however, finally settled by a compromise, which assigned a stated number of representatives to each division, not widely differing from the federal rule, of considering five slaves as equivalent to three freemen.

The justice of this rule has been frequently arraigned by the northern states, who say that, considering that the slaves have no will of their own, and are the property and blind instruments of their masters, there is no more reason for allowing to the southern states an additional representation for this part of their population, than there would be in making a similar allowance to the northern states for their horses and oxen: and that the professed compensation to themselves for this political injustice—a correspondent distribution of direct taxes—is merely nominal, inasmuch as that species of tax has seldom been resorted

to, and in all probability the impost will hereafter be wholly sufficient for the expense of the government.*

Nor are there wanting those of the southern states who maintain that, instead of a representation for merely three-fifths of the slaves, they should have a representation for all. That they are part of the human family; they contribute, as productive labourers, to the strength and wealth of the state, and as consumers, to the public revenue; that they are essentially a part of the population of the state, and there is no more reason for denying to the state an additional representation for them, because they have few or no civil rights, than there would be in denying it for women, children, and others, under a similar disability.

There is so much reason in both these views, that it is not likely the parties who have opposite interests in the question will ever agree to adopt either rule, so that perhaps it could not be more equitably adjusted than it was by the compromise that has been actually adopted. The question will, without doubt, again recur in Virginia in the year 1841; the rule adopted by the compromise being unalterable until then, when the free population in the western part of the state will have the preponderance,† and when their arguments and wishes may possibly alter the terms of the compromise.

Having in a letter to Mr. Adams repeated his warm commendations of Destutt De Tracy's speculative writings, he takes occasion to express his dissent from him as to the foundations of ethics; De Tracy embracing the doctrine of Hobbes, while Mr. Jefferson belonged to that school which considers our approbation of virtue to be a part of the original constitution of man. He believes that the sense of justice is "instinct and innate, and

* This fact, however, furnishes no cause of complaint to the non slave-holding states, but the reverse, for the southern states contribute to the impost according to their consumption, which is presumed to be according to their gross population; whereas in direct taxes it would be required to contribute nothing for two-fifths of its slaves. '

† At the last census the white population in the western district but little exceeded that of the eastern, and it increases much faster in the former.

that the moral sense is as much a part of our constitution as that of feeling, seeing, or hearing, as a wise creator must have seen to be necessary in an animal destined to live in society; that every mind feels pleasure in doing good to another; that the nonexistence of justice is not to be inferred from the fact that the same act is deemed virtuous and right in one society, which is held vicious and wrong in another; because, as the circumstances and opinions of different societies vary, so the acts which may do them right or wrong must vary also; for virtue does not consist in the act we do, but in the end it is to effect. If it is to effect the happiness of him to whom it is directed, it is virtuous, while, in a society under different circumstances and opinions, the same act might produce pain, and would be vicious. The essence of virtue is in doing good to others, while what is good may be one thing in one society, and its contrary in another."

We have seen that the cause of education had long been a favourite object with Mr. Jefferson, partly from his own lively relish for literature and science, and partly because he deemed the diffusion of knowledge among the people essential to the wise administration of a popular government, and even to its stability. He had not long retired from public life, before the subject again engaged his serious attention, and, besides endeavouring to enlist men of influence in behalf of his favourite scheme of dividing the counties of the state into wards, and giving the charge of its elementary schools to these little commonwealths, he also aimed to establish a college, in the neighbourhood of Charlottesville, for teaching the higher branches of knowledge, and which, from its central and healthy situation, might be improved into a university.

He lived to see this object accomplished, and it owed its success principally to his efforts. It engrossed his attention for more than eleven years, in which time he exhibited his wonted judgment and address, in overcoming the numerous obstacles he encountered, and a diligence and perseverance which would have been creditable to the most vigorous period of life. The prin-

cipal measures taken to effect this last achievement of his patriotism and popularity will be briefly noticed.

In the year 1814, the trustees appointed by a former act of assembly to establish an academy in Albemarle, proceeded to execute the duties assigned them; and having appointed Mr. Jefferson and some others to fill vacancies in their body, they decided on raising the requisite funds for their proposed academy from a lottery already authorized by the legislature, from private contributions, and from the proceeds of two of the church glebes in the county which had been recently sold.

He accepted this appointment, so humble to one who had lately wielded the executive power of the nation, and, actively engaging in its duties, drew the petition to the legislature, and enforced it by his personal applications.

In a letter on this subject to Mr. Joseph C. Cabell, a member of the assembly, in January, 1815, we find the first germ of that grand system of public schools, which was afterwards adopted by the legislature, but has as yet been but partially executed. The letter also shows that his sanguine temperament was not altered by age.

"I have, he says, lately received a letter from Say. He has it in contemplation to remove to this country, and to this neighbourhood particularly; and asks from me answers to some inquiries he makes. Could the petition which the Albemarle academy addressed to our legislature have succeeded at the late session, a little aid additional to the objects of that would have enabled us to have here immediately the best seminary of the United States. I do not know to whom P. Carr, (president of the Board of Trustees,) committed the petition and papers; but I have seen no trace of their having been offered. Thinking it possible you may not have seen them, I send for your perusal the copies I retained for my own use. They consist, 1. Of a letter to him, sketching, at the request of the trustees, a plan for the institution. 2. One to Judge Cooper, in answer to some observations he had favoured me with on the plan. 3. A copy of the petition of the trustees. 4. A copy of the act we wished from the legislature. They are long, but as we always

counted on you as the main pillar of their support, and we shall probably return to the charge at the next session, the trouble of reading them will come upon you, and as well now as then. The lottery allowed by the former act, the proceeds of our two glebes, and our dividend of the literary fund, with the reorganization of the institution are what was asked in that petition. In addition to this, if we could obtain a loan for four or five years, only, of 7 to 8000 dollars, I think I have it now in my power to obtain three of the ablest characters in the world to fill the higher professorships of what in the plan is called the second or general grade of education: three such characters as are not in a single university of Europe: and for those of languages and mathematics, a part of the same grade, able professors, doubtless, could also be readily obtained. With these characters I should not be afraid to say that the circle of the sciences composing that second or general grade, would be more profoundly taught here than in any other institution in the United States, and I might go farther.

“The first, or elementary grade of education is not developed in this plan; an authority only being asked to its visitors for putting into motion a former proposition for that object. For an explanation of this, therefore, I am obliged to add to these papers a letter I wrote some time since to Mr. Adams, in which I had occasion to give some account of what had been proposed here for calling from every condition of our people the natural aristocracy of talents and virtue, and of preparing it by education, at the public expense, for the care of the public concerns. This letter will present to you some measures still requisite to complete and secure our republican edifice, and which remain in charge to our younger statesmen. On yourself, Mr. Rives, and Mr. Gilmer, when they shall enter the public councils, I rest my hope for this great accomplishment, and doubtless you will have other able coadjutors not known to me.”

The purpose of Mr. Jefferson and his coadjutors was greatly aided by the legislature after the peace, not only by the liberal and patriotic spirit which the war had called forth, and which now took the direction of public improvement, but also by the addi-

ional resources which the war had incidentally given to the state. Virginia was largely a creditor of the general government, by reason of advances made and expenses incurred during the war, and in 1816 her legislature appropriated* a considerable part of this debt to the purposes of education, by assigning it to the Literary Fund of the state. They, at the same session, by resolution, directed those who had charge of that fund to digest and report to the legislature a complete system of public instruction.

In pursuance of this resolution, the directors of that fund made a report by which they recommended that each county of the state should be divided into townships, and the whole state into districts: that a primary school be established in each township, and an academy in each district; and lastly, a university for the whole state, to contain nine professorships. This liberal scheme was so well seconded by the House of Delegates that it passed a bill for the establishment of primary schools in each township, of 48 academies, three additional colleges, and a university, all of which were placed under the supervision and control of a "Board of public Instruction," consisting of the governor and ten members taken from the great geographical divisions of the state. The bill was, however, rejected by the Senate, that the sense of the public might be taken on it; and with that view, a joint resolution of both Houses directed that this bill, with its amendments, the report which preceded it, Mr. Jefferson's bill of 1776, and his letter to the president of the Albemarle academy, should be printed and distributed throughout the commonwealth, by the president and directors of the literary fund. At the same session an act was passed in conformity with the application in behalf of the Albemarle academy, which was now enlarged in its plan, and denominated "the Central College."

It was found that the plan which had received the sanction of the House of Delegates, was unpalatable to the friends of the university, on account of the number and variety of the schools

* The merits of this appropriation belongs more to Charles Fenton Mercer than to any other individual.

which it proposed. At the instance, therefore, of some of those friends, Mr. Jefferson prepared bills for elementary schools, and for establishing a system of public education, which seemed better suited to the resources of the state, and more likely to further their favourite object.

In a letter to Mr. Cabell, which inclosed one of those bills, he thus good-humouredly apologizes for deviating from the usual technical phraseology:

“I dislike the verbose and intricate style of the modern English statutes, and, in our revised code, I endeavoured to restore it to the simple one of the ancient statutes, in such original bills as I drew in that work. I suppose the reformation has not been acceptable, as it has been little followed. You, however, can easily correct this bill to the taste of my brother lawyers, by making every other word a ‘said’ or ‘aforesaid,’ and saying every thing over two or three times, so as that nobody but we of the craft can untwist the diction, and find out what it means; and that too, not so plainly but that we may conscientiously divide—one half on each side. Mend it, therefore, in form and substance to the orthodox taste, and make it what it should be.”

While this subject was before the legislature, he manifested the greatest solicitude for its success, and requested his confidential correspondent to inform him of its progress and fate; “for,” he adds, “I have only this single anxiety in this world. It is a bantling of forty years’ birth and nursing, and if I can once see it on its legs, I will sing with sincerity and pleasure my *nunc dimittas*.”

Though his scheme was not wholly adopted, a bill was passed which appropriated 45,000 dollars a year to elementary schools, and 15,000 to a university, the site of which was to be determined by twenty-four commissioners, selected from the senatorial districts of the state.

These commissioners all assembled, except one, on the 1st of August, 1818, at Rockfish Gap, in the Blue Ridge, and Mr. Jefferson was unanimously chosen to preside at the meeting. He laid before them the estimates he had prepared to assist the board in deciding on the centre of the white population,

when they, having regard to numbers as well as territory, concurred in recommending the site of the central college, near Charlottesville, as a proper location of the University. Their choice received the sanction of the legislature.

The meeting, though assembled for the sole purpose of ascertaining a single statistical fact, was, by the weight of character of those who composed it, an impressive one, as it numbered among its members the President of the United States, Mr. Monroe, and the two ex-presidents Jefferson and Madison, besides several judges and leading members of the state legislature. Yet it was remarked by the lookers on, that Mr. Jefferson was the principal object of regard, both to the members and spectators; that he seemed to be the chief mover of the body—the soul that animated it; and some who were present, struck by these manifestations of deference, conceived a more exalted idea of him, on this simple and unpretending occasion, than they had ever previously entertained.

During these legislative proceedings, and before any pecuniary aid was obtained from the legislature, a subscription in behalf of the central college had been set on foot in Albemarle and the neighbouring counties, and 44,000 dollars had been subscribed, chiefly through his influence and example. He and nine others subscribed a thousand dollars each. This money, and all the other funds of the central college, were transferred in 1819 to the visitors of the University.

The active part which Mr. Jefferson took in these measures had the more merit, as he was compelled to carry on a most extensive promiscuous correspondence with persons who, as he mentions to Mr. Adams, (June 11, 1817,) “in the most friendly dispositions, oppress me with their concerns, their pursuits, their projects, inventions, and speculations, political, moral, religious, mechanical, mathematical, historical, &c. &c. &c.,” and he took occasion, in answering the letter of the biographer of the signers of the Declaration of Independence, to express his “sufferings from this source,” hoping it would have the effect of affording him relief. He stated that from sunrise to one or two o’clock, and often from dinner to dark, he was drudging at the

writing table; and all this in answer to letters into which neither interest nor inclination on his part entered; and often from persons whose names he never before heard. In the same letter he writes, "one of our fan-colouring biographers, who paints small men as very great, inquired of me lately, with real affection too, whether he might consider as authentic, the change in my religion, much spoken of in some circles. Now this supposed that they knew what had been my religion before, taking for it the word of their priests, whom I certainly never made the confidants of my creed. My answer was, 'say nothing of my religion. It is known to my God and myself alone. Its evidence before the world is to be sought in my life; if that has been *honest and dutiful to society*, the religion which has regulated it cannot be a bad one.' "

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"I wish I could give better hopes of our southern brethren. The achievement of their independence of Spain, is no longer a question. But it is a very serious one, what will become of them. Ignorance and bigotry, like other insanities, are incapable of self-government. They will fall under military despotisms, and become the murderous tools of the ambition of their respective Bonapartes; and whether this will be for their greater happiness, the rule of one only has taught you to judge. No one, I hope, can doubt my wish to see them and all mankind exercising self-government, and capable of exercising it. But the question is not what we wish, but what is practicable." He then suggests that it would be better for them "to come to an accord with Spain, under the guarantee of France, Russia, Holland, and the United States; allowing to Spain a nominal supremacy, with authority only to keep the peace among them, leaving them otherwise all the powers of self-government, until their experience in them, their emancipation from

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He thinks the passage and rejection of this bill a fortunate incident; because the power of making canals and roads would be conceded to Congress by an amendment to the constitution; and such amendment would be a natural confirmation of the grounds of the doctrine he maintains, and would settle forever the meaning of the phrase "general welfare," which, he says, by a mere grammatical quibble, has countenanced the general government in a claim of universal power; it being contended by some that the meaning of the clause "to lay taxes, to pay the debts, and provide for the general welfare," comprehend three distinct powers, rather than a description of the single power to "lay taxes." He thinks it fortunate for another reason, "as the states, in conceding the power, will modify it,

either by requiring the federal ratio of expense in each state, or otherwise, so as to secure us against its partial exercise."

The clause of the constitution to which he adverts, is in these words:

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States."

There have been three constructions of this clause, and according as one or the other prevails, is the power of the federal government narrowed or enlarged. The first is that which would most enlarge the powers of Congress, and which regards the words "provide for the common defence and general welfare" as a substantive and distinct power. This interpretation was once partially adopted by loose reasoners, and those who were willing to enlarge the powers of the federal government by any sophistry; but as it is evidently a forced construction of the sentence, and is utterly inconsistent with the avowed purpose of framing a government with limited and specific powers, it has been virtually abandoned; and it is now agreed that these words, "common defence and general welfare," merely express the purposes for which money is to be raised, and consequently the constructions of the clause are reduced to two: one enlarging the power of Congress, and the other restricting it.

One of these considers that as the power of Congress to raise money by taxes, is limited only by the three purposes of paying debts, providing for the common defence, and the general welfare, it may raise and appropriate money to any purpose whatever, provided it be for either of these objects.

The other is that contended for by Mr. Jefferson, which limits the purposes to which Congress can levy and appropriate money to those acts and powers which are enumerated in the subsequent specification.

The more enlarged construction is embraced by the federal party generally, by the advocates for the power of making roads

and canals by the general government, and by all those who are friendly to an energetic or a consolidated government, or who believe that the danger to the confederacy arises from too much strength in the members, rather than in the head.

They rely, in support of their views, on the plain import of the words, which comprehend every useful purpose for which money can be used; and say that as the framers of the constitution had imposed no limits on the power of raising money, provided the object was beneficial to the nation, so there could be no limit to its use. They say that this would not authorize Congress to do any substantive act not given in the enumerated powers, by which the rights of the states or of individuals would be violated, but merely to appropriate money. Thus, admitting that the general government has no right to make a road or canal in any of the states, since that would interfere with the exclusive rights of the states, they insist that Congress has the right to appropriate money for such a road or canal, if they believe that the interests of the Union or the general welfare would be thereby promoted. They can do nothing, in short, which they could not have done if this phrase had not been inserted, except the single act of appropriating money; and they say that the other construction would render the words "general welfare" of no meaning, or would contract the express meaning by the very doctrine of implication, which has been so much deprecated by those who contend for this construction. Such were the grounds taken by Mr. Monroe, with the sanction of a part, if not all, his cabinet, in 1823; and such must have been the ground taken by General Jackson, with the presumed sanction of Mr. Van Buren, his secretary of state.

It is maintained on the other hand, that when it is considered how general and efficient an instrument of power money is, to admit an unlimited power of raising and appropriating money in the general government, is substantially to make it unlimited. That the powers and purposes of the general government naturally divide themselves into three parts, the payment of the public debts, the support of an army and navy, and the civil functions of the government; which last are embraced by the

words "general welfare," and consequently that these words are not inoperative, for, without them, while Congress would have had power to raise money for the discharge of the national debt and for military purposes, it would have had none to defray the civil expenses of the government. That this specification of purposes was not meant to enlarge the powers beyond the subsequent specification of them, is apparent from the clause which gives Congress the power to raise and support armies, or to provide and maintain a navy; which would have unnecessary sections, if the same grants of power had been given in the words "provide for the common defence." The fair construction of the instrument is, therefore, they say, that Congress may pay debts, provide for the common defence, and for the general welfare, by money levied on the people, for those objects which it is specially empowered to do, and for no other. This construction has been always maintained by most of the leading politicians in Virginia, and in general by all those who are jealous of the power of the general government, as leading to consolidation, which they consider a more imminent danger to the federal government than disunion.

The important consequences which both parties attach to the construction of this part of the constitution will always so influence their judgments, that, as long as these parties exist, it is hardly to be presumed that either construction will be generally adopted, but one or the other will prevail according to the ascendancy of either party, aided as it may be by the influence of local or personal interests and other accidents. It may, however, be remarked, in favour of the second construction, that it is hardly to be presumed that all the purposes for which it may be proper and expedient for the general government to expend money, will fall under the specific powers enumerated: that if such had been the intention of the framers of the constitution, there would have been an express limitation to that effect, either in the original instrument, or the amendments, considering the jealousy which was entertained of the powers granted: that there was less ground for such a jealousy and such a limitation, because, after an unlimited grant of power to lay taxes to raise armies and

create navies, to regulate commerce and to coin money, the mere power of appropriating money to other objects is comparatively insignificant: and in the contemporaneous discussions on the constitution these powers were alone regarded as worthy of notice; nor was the power of raising money for general purposes of national benefit noticed, and the only construction of the words "general welfare," was the one generally now admitted to be untenable, of considering them as a distinct grant of power. It may be further remarked that since the government has been in operation, it has frequently expended money which could not be fairly said to be in execution of any of the enumerated powers; as in relieving the people of Caraccas after an earthquake; in appropriating money for the town of Alexandria after a fire; in purchasing pictures of Colonel Trumbull; in purchasing a library, and in pensioning the officers and soldiers of the revolution, (for though this may be said to be paying a debt, yet such were not the debts meant by the constitution) in giving pensions at all; in purchasing a library; which appropriations have been made without opposition.

It follows, therefore, that so far as the question is to be decided by *precedent*, there is great preponderance in favour of the power of appropriation; and that so far as it is to be decided by *authority*, there is great weight on both sides.

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repugnance to the writing table becomes daily and hourly more deadly and insurmountable. In place of this has come on a canine appetite for reading; and I indulge it, because I see in it a relief against the *tedium senectutis*; a lamp to lighten my path through the dreary wilderness of time before me, whose bourn I see not. Losing daily all interest in the things around us, something else is necessary to fill the void. With me it is reading, which occupies the mind, without the labour of producing ideas from my own stock."

He repeats his auguries about Spanish America. "I enter into all your doubts as to the event of the revolution of South America. They will succeed against Spain; but the dangerous enemy is within their own breasts. Ignorance and superstition will chain their minds and bodies under religious and military despotism. I do believe it would be better for them to obtain freedom by degrees only; because that would by degrees bring on light and information, and qualify them to take charge of themselves understandingly; with more certainty, if in the meantime under so much control as may keep them at peace with one another."* His concluding remarks are not in conformity to the religious opinions commonly imputed to him. "But these," he remarks, "are speculations, my friend, which we may as well deliver over to those who are to see their developement. We shall only be lookers on from the clouds above, as now we look down on the labours, the hurry and bustle, of the ants and bees. Perhaps in that super-mundane region, we may be amused with seeing the fallacy of our own guesses, and even the nothingness of those labours which have filled and agitated our own time here."

The same intimation of his belief in a future state is expressed to Mr. Adams, in a letter of condolence on the death of Mrs.

* The forebodings of these cautious and experienced statesmen have been as yet but too truly verified. After repeated revolutions of civil power in nearly all of them, they seem to be as far as ever from a state of stable tranquillity; and, in the science of government, not even to have learnt the elementary distinction between force and right.

Adams, which deserves to be cited for its elegance, as well as because it indicates an important point of his faith.

“Monticello, November 13, 1818.

“The public papers, my dear friend, announce the fatal event of which your letter of October the 20th had given me ominous foreboding. Tried myself in the school of affliction, by the loss of every form of connexion which can rive the human heart, I know full well, and feel what you have lost, what you have suffered, are suffering, and have yet to endure. The same trials have taught me that for ills so immeasurable, time and silence are the only medicine. I will, not, therefore, by useless condolences, open afresh the sluices of your grief, nor, although mingling sincerely my tears with yours, will I say a word more where words are vain, but that it is of some comfort to us both, that the time is not very distant at which we are to deposit in the same cerement our sorrows and suffering bodies, and to ascend in essence to an extatic meeting with the friends we have loved and lost, and whom we shall still love and never lose again. God bless and support you under your heavy affliction.

“TH. JEFFERSON.”

Mr. Walsh, of Philadelphia, having written to Mr. Jefferson to make inquiry of him concerning the injurious imputations which had been occasionally thrown out against Dr. Franklin for too much subserviency to the French court, and a want of zeal in the protection of the fisheries, and other rights of his country at the treaty of peace, Mr. Jefferson does not hesitate in bearing testimony to his fidelity and integrity. It is understood that the diligent researches of Mr. Sparks while in Europe, confirmed Mr. Jefferson's evidence, and, it is to be hoped, put at rest for ever all attempts to cast a shade of moral obliquity on one whose genius, both for science and letters, practical wisdom, and active services in the revolution, threw more lustre on his country abroad than did those of any other individual.

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writing table; and all this in answer to letters into which neither interest nor inclination on his part entered; and often from persons whose names he never before heard. In the same letter he writes, "one of our fan-colouring biographers, who paints small men as very great, inquired of me lately, with real affection too, whether he might consider as authentic, the change in my religion, much spoken of in some circles. Now this supposed that they knew what had been my religion before, taking for it the word of their priests, whom I certainly never made the confidants of my creed. My answer was, 'say nothing of my religion. It is known to my God and myself alone. Its evidence before the world is to be sought in my life; if that has been *honest and dutiful to society*, the religion which has regulated it cannot be a bad one.' "

He seems to have foreseen but too truly the fate of Spanish America, at least it has as yet continued to verify his predictions. After speaking in favourable terms to La Fayette of the state of things in the United States, and the political harmony which then reigned, (in May, 1817,) he adds:

"I wish I could give better hopes of our southern brethren. • The achievement of their independence of Spain, is no longer a question. But it is a very serious one, what will become of them. Ignorance and bigotry, like other insanities, are incapable of self-government. They will fall under military despotisms, and become the murderous tools of the ambition of their respective Bonapartes; and whether this will be for their greater happiness, the rule of one only has taught you to judge. No one, I hope, can doubt my wish to see them and all mankind exercising self-government, and capable of exercising it. But the question is not what we wish, but what is practicable." He then suggests that it would be better for them "to come to an accord with Spain, under the guarantee of France, Russia, Holland, and the United States; allowing to Spain a nominal supremacy, with authority only to keep the peace among them, leaving them otherwise all the powers of self-government, until their experience in them, their emancipation from

their priests, and advancement in information should prepare them for complete independence."

At the session of Congress of 1816-17, an act for some internal improvement having passed both houses of Congress, it was negatived by Mr. Madison as unconstitutional. In a letter to Mr. Gallatin, then in Paris, dated June 16, 1817, he thus expresses his opinion on one of the most controverted questions under the constitution:

"The act was founded avowedly on the principle that the clause in the constitution which authorizes Congress 'to lay taxes to pay the debts and provide for the general welfare,' was an extension of the powers specifically enumerated to whatever would promote the general welfare; and this you know, was the federal doctrine; whereas our tenet ever was, and indeed it is almost the only landmark which now divides the federalists from the republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare, but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently, that the specification of powers is a limitation of the purposes for which they may raise money."

He thinks the passage and rejection of this bill a fortunate incident; because the power of making canals and roads would be conceded to Congress by an amendment to the constitution; and such amendment would be a natural confirmation of the grounds of the doctrine he maintains, and would settle forever the meaning of the phrase "general welfare," which, he says, by a mere grammatical quibble, has countenanced the general government in a claim of universal power; it being contended by some that the meaning of the clause "to lay taxes, to pay the debts, and provide for the general welfare," comprehend three distinct powers, rather than a description of the single power to "lay taxes." He thinks it fortunate for another reason, "as the states, in conceding the power, will modify it,

The only passages in the preceding paper, which coincide with that drawn by Mr. Jefferson, are to be found in the second and third resolves; and we will readily concede that the coincidence here is such that we cannot suppose it to be the result of accident. Every one must be persuaded, at least all who have been minute observers of style, that one of these papers has borrowed from the other, for they are identical, not in one instance, but in several, and not in single words only, but in phrases composed of many, as in the following expressions: "dissolve the political bands which have connected"—"absolve from all allegiance to the British crown"—"are, and of right ought to be"—"pledge to each other our lives, our fortunes, and our sacred honour."

When it is considered how many ways each of these phrases could have been varied to express the same idea, and how much latitude there was for modifying the thought, the accidental agreement of two minds in thought and expression to the extent that here appears, can scarcely be conceived; and the improbability is increased when we advert to the fact that several of the phrases are somewhat peculiar.

Admitting, then, that one of these papers has borrowed from the other, who was the plagiarist? The following considerations repel the presumption that it was Mr. Jefferson. 1. Supposing him capable of plagiarism, he would scarcely have ventured, in drafting a paper which every one would read, to borrow from a paper, which the same evidence which proves its existence, states that it was sent on to Congress the year before. He could not have hoped to escape detection, if by no others, by the members from North Carolina, and certainly by the people of Mecklenburg. 2. Though he had thus hazarded his reputation as a writer, or been regardless of it, his plagiarism would have been discovered at the time; and once known, would never have been forgotten, neither of which is pretended. 3. But that he would have borrowed the language of another document is contradicted by the whole tenor of his history as a writer; and it would be difficult to name any one whose thoughts and diction are more entirely their own. He had obtained distinction

for the merit of his compositions before he took his seat in the old Congress; and the character he brought with him he ably sustained after he was there. Yet, neither in his Summary, nor his two answers to Lord North's propositions, nor in the declaration of the cause of taking up arms, do we find that he borrowed of any one but himself. These papers all have the same characteristics of style, as to structure of the sentence, turn of expression, and occasional novelty and felicity of diction, and furnish the most satisfactory evidence that he had neither the necessity, nor inclination, nor practice of borrowing.

But conceding for a moment that his usual aptness and copiousness of phrase failed him, and that he was disposed to look abroad for foreign aid, what mind of discrimination or taste can believe that he would have resorted to this paper, which, notwithstanding the high eulogy of Mr. Adams, must be pronounced defective in its style, and more striking for its faults than its merits? The first paragraph is in these words:—"That whosoever, directly or indirectly, abets or in any way, form, or manner, countenances the unchartered and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this county, to America, and to the inherent and unalienable rights of man." This sentence, which, by the way, savours more of the enactment of a law than a declaration of independence, has all the ungraceful tautology which characterizes law proceedings, without any of the precision. The phrase "unchartered invasion" and an invasion *claimed*, are scarcely intelligible, and certainly crude and indefensible.

We find similar defects in the fourth and fifth paragraphs, which are in the following words:—

"That as we acknowledge the existence and control of no law nor legal officer, civil or military, within this county, we do hereby ordain and adopt as a rule of life, *all, each, and every* of our former laws; wherein, *nevertheless*, the crown of Great Britain never can be considered as holding *rights, privileges, immunities*, or authority therein."

That it is further decreed, that *all, each, and every* military officer in this county, is hereby reinstated in his former com-

mand and authority, he acting conformably to these regulations. And that every member present of this delegation shall henceforth be *a civil officer, viz. a justice of the peace*, in the character of a committee-man, to issue process, hear, and determine all matters of controversy, according to *said* adopted laws; and to preserve peace, union, and harmony in *said* county; and to use every exertion to spread the love of country and fire of freedom throughout America, until a more general and organized government be established in this province."

Can it be believed that Mr. Jefferson, or any other individual, with the smallest pretensions to good taste, would have borrowed from a paper of the preceding character? If nothing else had prevented it, his objection to the legal phraseology would have been insuperable. The inference is inevitable that Mr. Jefferson did not borrow from this Mecklenburg paper. But as the evidence is satisfactory that resolutions of this character were adopted by the people in that county in May, 1775, they could not have been borrowed from his. The necessary inference then is, that the two paragraphs in which the coincidence is found, (and it is only in two,) have been subsequently interpolated, with a view of enhancing the merit of the act, and of making it a more unequivocal "declaration of independence." Such seem to be the inferences of probability, and they should be deemed conclusive, unless some further evidence as to the two suspicious clauses can be adduced.

Let us see the arguments in favour of the probability of this supposition. 1. The purport of the three resolves that have been quoted are sufficient to justify the language of Governor Martin, and to warrant the statements from memory of the other witnesses after so long a lapse of time. 2. These resolves have a close resemblance, all showing their origin from a common parent, and he, one accustomed to the quaint and tautologous phraseology of the law. There is in the two supposed interpolations no violation of grammar, no improper use of a word, and no oddity of phrase, like "unchartered invasion." 3. It seems impossible, that if they had all been drawn at once, the second and third had not preceded that which now stands

first. We can more easily believe that so singular an inversion of natural order was caused by the wish to conceal a counterfeit interpolation than that it ever could have suggested itself to any mind that had written all the five resolutions. 4. The spurious resolves being thrust into the middle of those that were genuine were less likely to be remembered by the witnesses, who, recollecting the first and the last parts, would feel no hesitation in testifying to their identity. 5. Nor is it probable that Governor Martin, in speaking of these proceedings, would not have denounced the declaration of independence in terms, instead of stating its effects; and of referring in his specification, to the "rule of life," and to "regulations," mentioned in the last paragraphs. 6. It is also worthy of remark, that the governor's proclamation notices several other acts of the people of North Carolina, on which he bestows the character of sedition and treason—as the proceedings of the Wilmington committee—of certain individuals in Wilmington—an address signed by William Hooper, Joseph Hughes, and Richard Caswell—the proceedings of the Newbern committee—the proposed convention at Hillsborough, besides the mention of several individuals by name, as well as the Mecklenburg committee; and the notice of this is shorter than any other, which it would have scarcely been, if it had so far transcended the others in treason and disloyalty, as it now purports. The necessary inference then is, that the second and third paragraphs, in which alone there is any identity of expression with the declaration of independence, have been since, by a sort of patriotic forgery, prompted and justified by the same motives which has occasioned so many pious frauds, by way of removing all doubt that this strong act of resistance was not of a temporary character, but meant to be the assertion of complete independence.

Without doubt, when these two paragraphs are withdrawn, the other resolves have the merit of great boldness, and deserve the character given to them by Governor Martin, after allowing for his disposition to exaggeration. The authors seem to have been, in common with most of their countrymen, animated with

a proper sense of British oppression, and to have gone a step farther than the rest. Nothing here said is intended to detract from the merit to which their paper is fairly entitled, but merely to separate it from what there is a moral certainty has been subsequently added, in some of the manuscript copies of it—the only form in which it for a long time remained.

So much in vindication of Mr. Jefferson's doubts on this Mecklenburg declaration of independence. His remark that "there was not a greater tory in Congress" than Mr. Hooper, is to be regretted, as the language conveys a censure which is unmerited, and which Mr. Jefferson certainly did not intend. It is clear that he did not use the word *tory* here in the ordinary sense, but only as expressing too protracted an attachment to Great Britain, and an unwillingness to separate from her. This was the case with some of the best men and purest patriots that America could boast, and some for whom Mr. Jefferson felt the liveliest esteem and regard. Indeed, it was the universal sentiment with them in the beginning of the contest, and the only difference among them was, that some, either from more sagacious views, or greater boldness and energy, laid aside all hope of reconciliation, or lost all wish for it sooner than others. The more offensive sense in which the word was used to designate those who sided with Great Britain in her claim of taxing America, could not have been meant by Mr. Jefferson, since no one could have been chosen to Congress with such sentiments; and those who entertained them were in every state a small minority of the people, and could no where have been selected to defend the injured rights of the colonies. Mr. Jefferson seems to have been always in the habit of using the word "tory" in the latitude here supposed; and, applying it to all those who denied the competence of the people to self-government, or showed a distrust of their capacity to choose fit agents, extended it to the federal party generally. It is not intended here to defend this indiscriminate use of terms, especially when from any cause, they have become peculiarly odious to the people, but the distinction of whig and tory, which was the prevalent one in Mr. Jefferson's early life, to designate not only the friends

and enemies of the revolution, but the advocates and opponents of prerogative and parliamentary supremacy, continued to be used by him throughout his life in reference to political parties in America as well as England, because, in fact, he believed the difference between these fundamental principles in both countries to be essentially the same. In the sense in which the word was used in 1775 and 1776, the term is certainly not applicable to Mr. Hooper, who appears to have been not only a sincere whig, but enlightened and accomplished far beyond most of his contemporaries; and it is to be regretted that his name should have been used in a way calculated to hurt the feelings of his surviving friends, some of whom are known to be persons of the first degree of merit and respectability. It is, however, some mitigation of the blame, that Mr. Jefferson was in the habit of using the word in the same sense as many now use it in contradistinction to the whigs, and that he so used it in a private letter to a friend, with whom its qualified meaning could not be mistaken. Mr. Hooper was merely compared with the other members, with relation to the subject of independence, and was pronounced as much a tory as any other member, which was as much as to say that no one had more hesitation about separating from Great Britain.

Assuming it as undeniable that Mr. Jefferson used the word in this qualified sense, was it a slander or was it the truth? That Mr. Jefferson believed it just we must presume from this confident appeal to Mr. Adams, as he would hardly have made it if he had believed that Mr. Adams could contradict it. But we have, fortunately, other evidence of Mr. Hooper's opinions on a separation, at a meeting of the provincial Congress of North Carolina, in Hillsborough, in September, 1775, nearly four months after the Mecklenburg declaration.

In this address he tells the people of Great Britain, "we have been told that independence is our object; that we seek to shake off all connexion with the parent state. Cruel suggestion! Do not all our professions, all our actions contradict this." He further declares, and "invokes that Almighty being who searches the

recesses of the human heart," for its truth, that it was their most earnest wish and prayer to be restored to the state they were in before 1763; that, if they have in any instance assumed powers which the laws invest in the sovereign, or his representatives, "it has only been in defence of their persons, properties, and unalienable rights; declaring that as soon as the cause of their fears was removed, they would with joy "return those powers to their regular channels, and such institutions formed from mere necessity," should end with that necessity which created them."

Supposing this paper to speak the sentiments of Mr. Hooper, and considering the solemnity of his appeal to the great searcher of hearts, it would dishonour Mr. Hooper to doubt it, he evidently was not then prepared to desire a separation; and how much longer the same sentiments of submitting to any grievances before 1763, in the hope that Great Britain would, at some future day, voluntarily remove them, does not positively appear, but we may fairly presume that he who had draughted the preceding paper, in September, 1775, five months after the battle of Lexington, was disposed to concede as much to Great Britain for the purpose of conciliation as any other member of that patriotic body, and this is all that Mr. Jefferson meant to assert.

The Mecklenburg committee are fairly entitled to the merit of a lively sense of their country's wrongs, and of extraordinary boldness in asserting them; but the idea of *independence* being seriously attempted, even by a single state, much less a single county in a single state, could not have been entertained by any rational being. The county then contained probably less than 2000 souls, and 1000 fighting men, including the disaffected; for this number to proclaim itself independent, without the concurrence or co-operation of the other counties of the state, was almost as extravagant and inconsistent an act as if one of the militia companies had taken the same step; and Mecklenburg being then a frontier county of the state, and bordering on the mountainous region, the act was far less bold and hazardous than if it had taken place in the middle or lower part of the

state. It was in its daring indeed very much the same, in point of boldness, though in motives and purposes very different from the attempt of the regulators four years before, who, conceiving themselves oppressed by heavy taxes and illegal fees, were determined to make resistance by force of arms, without accurately calculating their means of making that resistance effectual. Nor was the ease with which that popular insurrection was quelled likely to have much effect in deterring the people of Mecklenburg from their purpose, since the regulators were not overcome by king's troops, but by militia composed of their own countrymen; whereas now the militia were nearly unanimous in resisting British authority; and they were further fortified, in case of a future reckoning, by the plea that allegiance and protection were reciprocal, and that as the former was withheld, the latter ceased to be obligatory.

In consequence of a recent decision of the Circuit Court of the United States in Richmond, by which a controlling power was asserted to be in that court over the courts of the state, in suits brought by a foreigner against a citizen of Virginia, the opinion of Judge Marshall was arraigned in the newspapers by Judge Roane, under the signature of Hampden. In September, 1819, Mr. Jefferson, having received these papers from Judge Roane, expressed his entire concurrence in the doctrines therein asserted. Contrasting this department of the government with the other two, he says: "After twenty years confirmation of the federated system by the voice of the nation, declared through the medium of elections, we find the judiciary on every occasion still driving us into consolidation." Adverting to the opinion expressed in the "Federalist," and which he supposes Judge Roane to have adopted, that the judiciary is the last resort in relation to *the other departments* of the government, but not in relation to the rights of the parties to the compact under which the judiciary is derived, he says that "he goes yet further—in denying their right of exclusively interpreting the constitution; and if their doctrine be sound, the constitution is a complete *felo de se*: or intending to establish three departments, co-ordi-

and independent, that they might check and balance one another, it has given, according to this opinion, to one of them, the right to prescribe rules for the government of the others, and to that one too which is unelected by and independent of the nation." He would regard the constitution, on this hypothesis, as "a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please." "It should be remembered," he observes, "that whatever power the government is independent, is absolute also; in theory at first, while the spirit of the people is up, but in practice just as that relaxes." "Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law." He illustrates the separate independence of each department, by examples of what took place during his own administration. Thus the legislature passed the *sedition law*, and the judiciary gave its sanction to prosecutions under it; but when he exercised the *executive* power he refused to carry the judgments of the court into execution, and pardoned the persons convicted. In the case of *Marbury v. Madison*, in which commissions executed by his predecessor were not delivered by him, and the right of the courts to issue writs of *habeas corpus* to the president was denied and resisted. So when the British treaty of 1806 arrived, as it contained no provision for the impressment of seamen, he determined not to ratify it. The judges decided that Duane, an *alienatus*, was not a citizen, while the House of Representatives decided that Smith, of Virginia, in similar circumstances, was. Mr. Jefferson refused assent, however, that his opinion on these points should be made public, as Judge Roane had requested.

At the latter end of this year, in a letter to Mr. Adams, he expressed the most serious apprehensions for the consequences of the Missouri question, which had been introduced at the close of the preceding session, and which it was known would be re-discussed at the next meeting of Congress. "The banks," he says, "the corrupt law, manufactures, and Spanish treaty, are nothing. These are occurrences which, like waves in a storm, will pass over the ship; but the Missouri question is a breaker on which the ship will founder." L. II.—54

we lose the Missouri country by revolt, and what more, God only knows. From the battle of Bunker's Hill to the treaty of Paris we never had so ominous a question." A few months afterwards he writes on the same subject to Mr. Holmes, of Maine, who had sent him a copy of his letter to his constituents, in which he assigned his reasons for having voted for the unrestricted admission of Missouri into the Union. Mr. Jefferson said that this question had, like a fire bell in the night, awakened and filled him with terror. "He considered it at once as the knell of the Union." He feared it was only "suspended, not settled." "On the subject of slaves," he remarks, "there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any *practicable* way. The cession of that kind of property, for so it is misnamed, is a bagatelle, which would not cost me a second thought, if in that way a general emancipation and expatriation could be effected: and gradually, with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him nor safely let him go. Justice is in one scale, and self-preservation in the other." He urges that diffusion would not have the effect of increasing the number, but would make them individually happier, and facilitate their emancipation. He deeply regrets that he must now die in the belief that the sacrifice of the generation of 1776 is to be thrown away, and that their descendants should, from not justly appreciating the Union, commit this act of suicide on themselves, and treason against the hopes of the world.

Mr. Jefferson was not singular in these gloomy forebodings. They were felt by many in and out of Congress. It was then for the first time discovered, or at least brought distinctly to notice, that on this one subject there was a difference of thinking and of strong feeling, in which the advocates of the different sides were not, as on all other interesting questions, intermingled throughout the Union, but were separated by a geographical line, which divided the states into two nearly equal portions. It was one too, which, judging by the zeal it had called forth in the first steps of its progress, was more likely to enkindle the passions than any ever before presented to the American public.

Fortunately, however, good sense and patriotism finally prevailed. The genius of discord was once more subdued by their benign influence; and this question, and the agitating fears it produced for the permanency of the Union, were soon forgotten, or remembered only as the scenes of a troubled dream.

In a letter to Mr. Adams, in August, on miscellaneous subjects, he thus formally defends the introduction of new words:

“But if dictionaries are to be the arbiters of language, in which of them shall we find *neologism*? No matter. It is a good word, well sounding, obvious, and expresses an idea which would otherwise require circumlocution. The reviewer was justifiable, therefore, in using it; although he noted at the same time as unauthoritative, *centrality*, *grade*, *sparse*, all of which have been long used in common speech and writing. I am a friend to *neology*. It is the only way to give to a language copiousness and euphony. Without it we should still be held to the vocabulary of Alfred or of Ulphilas; and held to their state of science also: for I am sure they had no words which could have conveyed the ideas of oxygen, cotylidons, zoophytes, magnetism, electricity, hyaline, and thousands of others expressing ideas not then existing, nor of possible communication in the state of their language.”

He says it should be the law of every language, like the Greek, that whenever it has adopted a new word, as “a root,” all its branches, in every part of speech, should be legitimated, by giving them their appropriate terminations. “Thus, having adopted the adjective *fraternal*, it is a root which should legitimate *fraternal*, *fraternation*, *fraternization*, *fraternism*, to *fraternate*, *fraternize*, *fraternally*. And give the word *neologism* to our language, as a root, and it should give as its fellow substantives, *neology*, *neologist*, *neologization*; its adjectives, *neologous*, *neological*, *neologicalist*; its verb, *neologize*; and adverb, *neologically*. Dictionaries are but the depositories of words already legitimated by usage. Society is the work-shop in which new ones are elaborated. When an individual uses a new word, if ill-formed, it is rejected in society, if well formed, adopted, and after due time, laid up in the depository of dictionaries. And

if, in this process of sound neologization, our trans-Atlantic brethren shall not choose to accompany us, we may furnish, after the Ionians, a second example of a colonial dialect improving in its primitive."

This defence of neologisms is ingenious, and in part well founded, so far as, in the progress of discovery and improvement, new objects call for new names, but in all other cases, innovations in language seem to deserve toleration rather than encouragement. Language at best is sufficiently prone to change, partly from the ever changing characters of human concerns and modes of thinking, and partly from an unceasing desire of novelty, for the sake of stimulating attention and of acquiring the praise of originality; and these tendencies would be yet greater, but for the salutary prejudice against innovation. Without this check, the writers of one age would be unintelligible to the mass of readers in another, the beauties of that numerous class of works whose excellence is in their language, would be annihilated to posterity, and that production of genius which delighted its contemporaries, would, to after ages, be obscure, uncouth, and obsolete. Shakspeare, and Milton, and Pope, and Byron would thus be shorn of some of their brightest beams, and appear to us through the mist of an antiquated dialect, if they were not consigned to neglect. In a word, the sources of innovation are so copious, from our fatigue of sameness and a perpetual thirst for novelty, as to need all the checks we can find.

In this same letter he enters on the unfathomable subject of matter and spirit, in consequence of these subjects having been treated of by his correspondent in a recent letter. He professes himself a materialist, and considers immaterialism as masked atheism. His views are not likely to shake the faith of those who either believe that there are two separate existences, mind and matter, and that we have as good evidence of the one as of the other, or even of those who maintain that we have no proof of but one principle, which is mind; as his argument everywhere assumes that our senses, that is our minds, furnish satisfactory proofs of the existence of matter, without furnishing any

of their own. It must be confessed that this question has received no additional light from Mr. Jefferson, and that he seems not to have been thoroughly aware of the inherent difficulty of the question, or rather of the improbability of reaching any certain or inevitable conclusion concerning it; as it lies beyond the first foundations of human knowledge, and there can be no reasoning on it, in support of either side, which does not assume the very point in dispute. That ready sagacity which saw truth in the most complicated concerns of life, and in those which were most remote from ordinary apprehension; and that firmness which fearlessly expressed what it confidently believed, were out of place here, where sagacity is left to wander in random conjecture, and decision of mind can produce nothing better than dogmatism. He seems to suppose that his opinion is sanctioned by the authority of Locke and Dugald Stewart, but in this he was clearly mistaken, as they both expressly recognise mind as distinct from matter, and think the evidence of the former at least as strong as that of the latter. He is not, however, the first who has mistaken Locke's opinions on this subject, by way of inference from his argument that we have no innate ideas, but that the mind is first put into activity by sensation; without adverting to the fact that this inference of the materiality of mind is precluded by his positive assertion of a contrary opinion.

CHAPTER XIX.

The University of Virginia. Massachusetts Constitution. Political views of Spanish America. His applications to the legislature in behalf of the University. Letters to Mr. Nicholas. Resolutions of Kentucky. Nullification. His fears of the Judiciary—Examined. Letter to Mr. Morse—against extensive voluntary associations. Arguments considered. His extensive correspondence. Letter to Mr. Barry on the judiciary power. To Mr. Adams—On the navy of the United States. Dry docks. Letter to Mr. Adams. Napoleon at St. Helena. Natural Theology. Letter to President Monroe. On the Foreign Policy of the United States.

1819—1823.

FROM the spring of the year 1819, Mr. Jefferson was closely and personally engaged in superintending the buildings of the new university until they were finished. On him had devolved the duty of procuring the different workmen required, bricklayers, plasterers, carpenters, and stone-cutters, most of whom were procured from Philadelphia. He not only formed the general plan of the buildings, but draughts of every subordinate part were made by him; and he superintended the execution by almost daily visits to the workmen; though the ride from Monticello to the university and back is at least ten miles, over a rough and mountainous road. Next to seeing the work advancing to its completion, his greatest pleasure consisted in showing the edifice to such respectable strangers as visited it.

This plan has indeed been the subject of frequent criticism; yet

it is probable that any other plan which could have been devised would have incurred as much censure, since architecture is a branch of art in which all—*docti indoctique*—think themselves equally competent to judge. It is certainly remarkably showy to the eye, and the view of its exterior is always very imposing to him who beholds it for the first time. Though expensive for the accommodation it affords, in consequence of its spreading over so large a surface, it is on that account more favourable to order and quiet than if the students had been congregated into one or two large buildings. It is also more secure from destruction by fire, by reason of the ease with which every part can be approached, and subjected to the action of the fire engine, and because but a small part can be consumed at one time.

Though every essential part of the establishment required the sanction of the Board of Visitors, yet on almost all occasions they yielded to his views, partly from the unaffected deference which most of the board had for his judgment and experience, and partly for the reason often urged by Mr. Madison, that as the scheme was originally Mr. Jefferson's, and the chief responsibility for its success or failure would fall on him, it was but fair to let him execute it in his own way.

There was no employment whatever in which he could have found such agreeable occupation, as in thus carrying into execution the long cherished schemes of his patriotism in providing for the education of the youth of the country, and at the same time gratifying his taste, or rather his passion for architecture; especially for Grecian architecture. The pavilions provided for the professors were each adorned with a portico, where he exhibited to his admiring countrymen models of all the orders, rigidly copied to the smallest minutiae; and to furnish these models, probably more money was spent in the ornamental parts of the edifice than in those which were indispensable.

According to ordinary experience in building, unforeseen contingencies and occasional enlargements of the original plan swelled the cost of this establishment greatly beyond the first estimates, and certain *menagemens* were necessary with the legislature, (always sufficiently sensitive on the subject of money,)

not only to reconcile them to the past expenditure, but to obtain from them further appropriations. His knowledge of the springs of human action, and his address in putting it into operation, were never more conspicuous; and as he sometimes met with checks and disappointments, his efforts had been unavailing if his patience and perseverance had not been equal to his consummate skill.

At the meeting of the legislature in 1820, he informed his correspondent in that body that the cost of the establishment when completed would not exceed 162,000 dollars, and he makes strong appeals to the pride as well as the patriotism of the members, to add to their former contributions.

They finally succeeded in obtaining of the legislature this session, a loan of 60,000 dollars, to be repaid out of the annuity of 15,000 dollars, appropriated from the literary fund, and in the following year 60,000 dollars more.

In speaking of Spanish America to Mr. Adams, in January, 1821, he thus renews his former unfavourable presages. "I feared from the beginning that these people were not sufficiently enlightened for self-government; and that, after wading through blood and slaughter, they would end in military tyrannies, more or less numerous. Yet, as they wished to try the experiment, I wished them success in it; they have now tried it, and will probably find that their safest road will be an accommodation with the mother country, which shall hold them together by the single link of the same chief magistrate, leaving to him power enough to keep them in peace with one another, and to themselves the essential power of self-government and self-improvement, until they shall be sufficiently trained by education and habits of freedom, to walk safely by themselves. Representative government, native functionaries, a qualified negative on their laws, with a previous security, by compact, for freedom of commerce, freedom of the press, *habeas corpus*, and trial by jury, would make a good beginning. This last would be the school in which their people might begin to learn the exercise of civic duties as well as rights. For freedom of religion they are not yet prepared. The scales of bigot-

ry have not sufficiently fallen from their eyes, to accept it for themselves individually, much less to trust others with it. But that will come in time, as well as a general ripeness to break from the parent stem."

If the strong and irreconcilable hatred of Spanish America to the European Spaniard, which had taken place long before this, had not rendered Mr. Jefferson's scheme impracticable, their history thus far seems to show that it would have been a wiser course than a complete and sudden independence, for which they were not prepared. The difficulties, however, in this state of qualified dependence would not have been light. Collisions would very probably soon have arisen between the colonists and Spain, each jealous that the other was seeking to pass the prescribed limits to its power, and but too probably with good reason, until complete separation was effected. But there would have been this advantage gained, they would have been united among themselves in their contests with the mother country, and in the common struggle they would have insensibly acquired much of the habits and the institutions requisite for self-government. Even in the case of the revolution of the United States, one cannot say what party contests and civil commotions might have arisen in some of them, had the struggle been a short one, and less arduous; and, after the peace of 1783, had the commercial policy of Great Britain been more liberal, we may safely affirm that the present federal constitution had not been formed. Never was there a nation that so profited by the uses of adversity as the American people.*

*It is most remarkable, and it teaches a salutary lesson to both nations, that the active hostility of Great Britain has ever proved eventually advantageous to the United States; and on every occasion where her enmity to her transatlantic brethren has been conspicuous, it has mainly contributed to confer on them some great national benefit. 1. To her religious persecutions America owed some of her most prosperous settlements. 2. To her attempt to collect revenue from them, after enjoying the monopoly of their trade, they owed their *independence*. 3. Her commercial jealousy and restrictions, her withholding their forts, led to the formation and the adoption of the federal government. 5. Her depredations on American commerce, and her countenance of the Algerines,

In the latter end of the year he received a letter from Mr. N. Nicholas of Kentucky, making inquiry whether he was the author of the resolutions passed by that state, concerning the alien and sedition laws, and offered by his father, Mr. George Nicholas, to which Mr. Jefferson answers that he could have wished the subject to have remained, as hitherto, without inquiry; but, as Mr. Nicholas had a right to an answer, he would give one "as exactly as the great lapse of time and a waning memory would enable him."

As these resolutions were the first which broached the doctrine of nullification, as they have been known to have proceeded from Mr. Jefferson, and his authority has been relied on in support of that doctrine by its advocates, his history of these resolutions may throw some light on the still contested question, as to the real views and motives which prompted them. In his answer, dated December 11, 1821, he says:

"At the time when the republicans of our country were so much alarmed at the proceedings of the federal ascendancy in Congress, in the executive and judiciary departments, it became a matter of serious consideration how head could be made against the enterprises on the constitution. The leading republicans in Congress found themselves of no use there, brow-beaten as they were, by a bold and overwhelming majority. They concluded to retire from that field, take a stand in the state legislatures, and endeavour there to arrest their progress. The alien and sedition laws furnished the particular occasion. The sympathy between Virginia and Kentucky was more cordial, and more intimately confidential than between any other two states of republican policy. Mr. Madison came into the Virginia legislature. I was then in the vice-presidency, and could not leave my station. But your father, Colonel W. C.

made the American navy: 6. Her attack on the Chesapeake and impressment of American citizens gave to that navy a discipline, and a spirit of emulation and resentment which were essential to its success. 7. Her exclusion of our grain and other restrictions established our manufactures. 8. And lastly, the criticisms of her writers have stimulated our literary men, and are likely to improve both our literature and manners.

Nicholas, and myself happening to be together, the engaging the co-operation of Kentucky in an energetic protestation against the constitutionality of those laws, became a subject of consultation. Those gentlemen pressed me strongly to sketch resolutions for that purpose, your father undertaking to introduce them to that legislature, with a solemn assurance, which I strictly required, that it should not be known from what quarter they came. I drew and delivered them to him, and in keeping their original secret, he fulfilled his pledge of honour." He supposes that the imputations in the newspapers that he was the author, had proceeded from some unguarded intimations of Colonel Wilson C. Nicholas. He afterwards adds: "The only fact in this statement, on which my memory is not distinct, is the time and occasion of the consultation with your father and Colonel Nicholas. It took place here, [Monticello] I know; but whether any other person was present, or communicated with, is my doubt. I think that Mr. Madison was either with us, or consulted, but my memory is uncertain as to minute details."

Whatever might have been Mr. Jefferson's deliberate opinion about the power of the state legislatures to resist an act of Congress, which they believed to be unauthorized by the constitution, after he engaged in the investigation, it seems clear from the preceding account, that they contemplated nothing more at first than a course which all would now pronounce legitimate, that is, to take a stand in the state legislatures, and there endeavour to arrest the enterprises against the constitution. This was their purpose, and the alien and sedition laws furnished the desired occasion. Their means then contemplated, were not a withdrawal from the Union, or an amendment of the obnoxious laws, but "an energetic protestation against their constitutionality." How it happened that the term "nullification," which, though contained in Mr. Jefferson's first draft, was omitted in the first resolutions of Kentucky in 1798, but inserted in those of the succeeding year, has never been explained. The following extracts from Mr. Jefferson's correspondence shed some light on the subject, and lead us to the inference that after having drawn the Kentucky resolutions, he

had, on more deliberate reflection, disapproved of the principle asserted in them.

On the 17th of November, 1799, he writes to Mr. Madison: "I inclose you a copy of the draught of the Kentucky resolves. I think we should distinctly affirm all the important principles they contain, so as to hold to that ground in future, and leave the matter in that train as that we *may not be committed absolutely to push the matter to extremities*, and yet may be free to push it as far as events will render prudent."

Twelve days afterwards he wrote the following note to Colonel Wilson C. Nicholas: "The more I have reflected on the phrase in the paper you shewed me, the more strongly I think it should be altered. Suppose you were, instead of the invitation to co-operate the annulment of the acts, to make it an invitation to concur with the commonwealth in declaring, as it does hereby declare the said acts are and were ab initio null, void, and of no force and effect. I should like it better."

Mr. Jefferson thus concludes his letter: "I fear, dear sir, we are now in such another crisis, with this difference only, that the judiciary branch is alone and single handed in the present assaults on the constitution. But its assaults are more sure and deadly, as from an agent seemingly passive and unassuming. May you and your cotemporaries meet them with the same determination and effect as your father and his* did the alien and sedition laws, and preserve inviolate a constitution which, cherished in all its chastity and purity, will prove in the end a blessing to all the nations of the earth."

It is not a little remarkable that Mr. Jefferson should have persevered so long in the opinion that the constitution was in danger of being overthrown by the judiciary; the branch of all others which, supposing its powers of perversion to be so great, seems to have the greatest interest in its preservation. If the

* This letter is a further proof of those lapses of memory of which Mr. Jefferson in his last years furnished so many examples, and which it would have been far more remarkable if he had not exhibited. The father of George Nicholas died many years before the formation of the new constitution.

executive seek to alter or undermine the constitution, it will be by extending its power to objects now interdicted, or by prolonging the term of its own existence. If the legislature have the same purpose, it will endeavour to attain it by a similar extension of its functions and sphere of action. But the judges, from the character of their office, as well as their greater harmony, must, upon every motive of self-interest, be disposed to check innovation, and to keep the constitution unchanged. They must know that in any revolution, or even radical change in the frame of civil government, many public functionaries will be pushed from their places, and none so likely as those who can neither originate the laws or rules of action, nor choose agents for their execution. These two great sources of influence over men's wills and acts, which constitute the political power of a state, is divided between the legislature and the executive; and the judiciary has as little share in the contest, and as little agency in determining the portion to be allotted to each, as the trumpeter in an army has in directing its movements, or in meting out to it the honours and rewards of victory. The judiciary can indeed do much occasionally as an auxiliary to the other branches, but it can do nothing for itself. Power supposes the exercise of discretion in granting or withholding favours, but the judge being governed by settled rules, is precluded from any such discretionary exercise of his authority: and if he does assume it, it must be either secretly or by an open abuse of power. In the first case, the act, as to exciting fear or favour, is essentially the same as if it had not existed; and in the last, besides the risk of impeachment, a judge would lose far more influence than he could gain. But the legislature has the legitimate power of voting or refusing millions, and the executive of distributing it among this set of men or that, either arbitrarily, or within limits to its discretion by which its power is not sensibly abridged.

Nor has the judiciary the same means of acting on public opinion as the other departments; nor even as much as the press or the pulpit. But whenever any measure or institution becomes on any account odious or objectionable—when it stands

in the way of some favourite scheme, or when those who manage its concerns are objects of hostility, one of the modes in which it is commonly assailed is by representing it as exercising powers injurious to the public interests, contrary to the constitution, and dangerous to civil liberty. It is well known with what sensibility the ears of the American people receive these accusations, and how easily men are misled in their judgments when once warmed in their feelings. This course has been repeatedly pursued towards the judiciary department; towards the federal government and its constitution; towards the Bank of the United States, and towards the tariff. It is not here intended to express any opinion of the merits of these questions, but merely that they have been always agitated by appeals to popular prejudices, and sometimes these appeals have been entirely successful.

But the judiciary can boast of no such triumphs. It has adjudged no power to the federal government by construction which has not received the sanction of Congress, and Congress has exercised no power which has not in like manner received the sanction of their constituents, except in the single instance when the members increased their own compensation. It is true the judges may be valuable auxiliaries to the general government in its claims of power that may be contested by the states, or to the executive branch in its collisions with the legislature, but it is only a subordinate part they can act, and they never can be the principal subverters of the constitution. The source of the mischief must lie further and deeper than their power can reach; and when the people are prepared to be acted upon by the other departments, they will generally be found able to dispense with the services of this small corps of the long robe; and although the judiciary will generally be against revolution and in favour of conservative principles, it is to be feared that their power is as insufficient to prevent revolution as to bring it about. Their functions may be compared to those of some bridge which crosses and stems the mountain stream—seemly to the eye and entirely convenient, so long as the current beneath keeps the even tenor of its way; but when the

rains fall and the waters are swollen to a torrent, this frail structure, so far from proving a barrier to its fury, is one of the first goodly fabrics that is swept away.

In February, 1822, Mr. Jefferson received a letter from the Rev. Jedidiah Morse, informing him of a proposed association "for the civilization and improvement of the Indian tribes;" which was to consist of the ex-presidents of the United States, the vice president, the heads of the executive departments, the members of the supreme judiciary, the members of both houses of Congress, the general officers of the army, commissioners of the navy, all presidents and professors of colleges and theological seminaries, all the clergy, the presidents and secretaries of all associations relating to Indians, and all officers connected with Indian affairs; and as many private individuals as would pay a certain price for membership. After making respectful acknowledgments for the proffered honour, and expressing great approbation of its object, he makes objections to the plan, which are here inserted at length, not only for the political wisdom they embody, and which is of far more extensive application than to this particular society, but also for the vigour of thought and elegance of composition exhibited by one who was then on the verge of eighty.

Premising that he would not undertake to draw the line of demarcation between private associations, and those which might impede and endanger the measures of regular government, he proceeds. "Yet such a line does exist. I have seen the days, they were those which preceded the revolution, when even this hot and perilous engine became necessary; but they were days which no man would wish to see a second time. That was the case where the regular authorities of the government had combined against the rights of the people, and no means of correction remained to them, but to organize a collateral power, which, with their support, might rescue and support their violated rights. But, such is not the case with our government: we need no collateral power, which, by a change of its original views, and assumption of others, we know not how virtuous or how mischievous, would be ready organized, and in force suffi-

cient to shake the established foundations of society, and endanger its peace and the principles on which it is based. Is not the machine, that is now proposed, of this gigantic stature?"—He says that the clergy would constitute nineteen-twentieths of the association, and "by the law of the majority, may command the twentieth part, which, composed of all the high authorities of the United States, civil and military, may be outvoted and wielded by the nineteen parts with uncontrollable power, both as to purpose and process." He asks, "can this formidable array be viewed without dismay? It will be said, that in this association will be all the confidential officers of the government; the choice of the people themselves. No man on earth has more implicit confidence than myself in the integrity and discretion of this chosen band of servants. But is confidence or discretion, or is *strict limit*, the principle of our constitution? It will comprehend, indeed, all the functionaries of the government; but it seceded from their constitutional stations as guardians of the nation, and acting, not by the laws of the station, but by those of a voluntary society, having no limit to their purposes but the same will which constitutes their existence. It will be the authorities of the people and all influential characters among them, arrayed on one side, and on the other, the people themselves deserted by their leaders. It is a fearful array. It will be said that these are imaginary fears. I know they are so at present; I know it is as impossible for these agents of our choice and unbounded confidence to harbour machinations against the adored principles of our constitution, as for gravity to change its direction, and gravid bodies to mount upwards. The fears are indeed imaginary, but the example is *real*. Under its authority as a precedent, future associations will arise with objects at which we should shudder at this time. The society of Jacobins, in another country, was instituted on principles and views as virtuous as ever kindled the hearts of patriots. It was the pure patriotism of their purposes which extended their association to the limits of the nation, and rendered their power within it boundless; and it was this power which degenerated their principles and practices to such enormities, as never before

could have been imagined. Yet these were men; and we and our descendants will be no more. The present is a case, where, if ever, we are to guard against ourselves; not against ourselves as we are, but as we may be; for who can now imagine what we may become under circumstances not now imaginable? The object too of this institution seems to require so hazardous an example as little as any which could be proposed. The government is, at this time, going on with the process of civilizing the Indians, on a plan probably as promising as any one of us is able to devise, and with resources more competent than we could expect to command by voluntary taxation. Is it that the new characters called into association with those of the government, are wiser than these? Is it that a plan originated by a meeting of private individuals, is better than that prepared by the concentrated wisdom of the nation, of men not self-chosen, but clothed with the full confidence of the people? Is it that there is no danger that a new authority, marching independently alongside of the government, in the same line and to the same object, may not produce collision, may not thwart and obstruct the operations of the government, or wrest the object entirely from their hands? Might we not as well appoint a committee from each department of the government, to counsel and direct its head separately, as volunteer ourselves to counsel and direct the whole in mass? And might we not do it as well for their foreign, their fiscal, and their military, as for their Indian affairs? And how many societies auxiliary to the government, may we expect to see spring up, in imitation of this, offering to associate themselves in this and that of its functions? In a word, why not take the government out of its constitutional hands, associate them indeed with us, to preserve a semblance that the acts are theirs, but assuring them to be our own by allowing them a minor vote only?"

He disclaims all intention of personal disrespect for the proposers of the plan, for he sees in the printed list persons for whom he feels sentiments of friendship and respect; but thinking as he did, "that this association was unnecessary; that the government was proceeding to the same object under control of the

law; that they were competent to it in wisdom, in means, and inclination; that this association, this wheel within a wheel, was more likely to produce collision than aid; and that it was in its magnitude, of dangerous example;" he was bound so say, that, as a dutiful citizen, he could not, in conscience, become a member of this society, possessing, as it did, his entire confidence in the integrity of its views."

We have seen, long since this letter was written, in the instance of the anti-masons, what influence an extensive voluntary combination of individuals can do. The object of that was, professedly, to put down another society unknown to the laws; and for this single object, and as it seemed to nine-tenths of the people of the United States, insignificant object, and to this one purpose the society made every other consideration yield, so that the concurrence in the views of the society was made an indispensable qualification for every office, from the lowest to the highest. This principle of exclusion was never carried so far by any other society, political, moral, or religious, and it would seem that the association sought to make amends for the inherent feebleness of the tie which bound it together, by confining their political influence and suffrages to its own members. And this concentration of their power was sufficient to give 7 of the 288 electoral votes for president and vice-president, and might possibly, in states in which they could not wholly prevail, have decided the vote between other candidates. This is an example of the power, and, as most will think, of its abuse too, which such extensive association confers. But on the other hand, the bible societies, the missionary societies, the temperance societies, are examples that such voluntary associations, however extensive, may be formed for useful purposes, and may confine themselves to these objects without intolerance, and without interfering with what does not concern their main purpose. Indeed, the religious societies of the United States are associations possessing most of the features from which Mr. Jefferson apprehended danger. They pervade the Union, and comprehend hundreds of thousands, and even millions. They have the advantages of organization, concert of action, and zeal

for the honour and success of the whole body. But the power of any one is neutralized by that of others, and if they were to attempt to connect the political action of members with their religious profession, they would immediately become objects of jealousy not only with the other sects, but also with the people generally: so that it seems not easy to lay down any precise rule as to the safe or dangerous character of these large associations, but each one must be judged according to its particular circumstances.

One of the inconveniences felt by Mr. Jefferson, from the conspicuous part he had acted in public affairs, as well as from his popularity, was the number of letters with which he was importuned. This tax, in a greater or less degree, every ex-president must pay, but no one, unless perhaps General Washington, was ever called upon to pay it to the same extent as Mr. Jefferson. He sorely complains of it in a letter to Mr. Adams, dated June 27, 1822. "I do not know how far you may suffer, as I do, under the persecution of letters, of which every mail brings a fresh load. They are letters of inquiry for the most part, always of good will, sometimes from friends whom I esteem, but much oftener from persons whose names are unknown to me, but written kindly and civilly, and to which, therefore, civility requires answers. Perhaps the better known failure of your hand in its function of writing, may shield you in greater degree from this distress, and so far qualify the misfortune of its disability. I happened to turn to my letter list some time ago, and a curiosity was excited to count those received in a single year. It was the year before last. I found the number to be one thousand two hundred and sixty-seven, many of them requiring answers of elaborate research, and all to be answered with due attention and consideration. Take an average of this number for a week or a day, and I will repeat the question suggested by other considerations in mine of the 1st. Is this life? At best it is but the life of a mill-horse, who sees no end to his circle but in death. To such a life, that of a cabbage would be a paradise. It occurs, then, that my condition of existence, truly stated in that letter, if better known,

might check the kind indiscretions which are so heavily oppressing the departing hours of life." With a view, then, of obtaining some relief from this source, he acquiesced in Mr. Adams's proposal, that his letter of the 1st, with Mr. Adams's answer, should be published, if any reason for their publication could be given, except that it was done at their instance.

When Congress passed a law allowing the ex-presidents the privilege of franking for all letters they wrote or received, it was to relieve them from a pecuniary tax to which it was foreseen they would be exposed by the high station they had lately occupied. But the provision, by the increased facility it gives to a correspondence with them, has increased the toils and cares of letter writing. Nor is this the only tax they pay for their past elevation. They are objects of curiosity and interest to strangers, to all the rising generation, and to thousands of their contemporaries to whom they were personally unknown, and this curiosity can generally be gratified only by a visit to them at their own homes. Their purses are yet more seriously taxed in the rites of hospitality. Congress thus did but half justice in protecting them from one of the sources of expense to which they were liable, when it left them to the other, far more heavy and considerable; and they ought to give them a pension for the remainder of their lives. The same principle which justifies the franking privilege, would also justify this, and both must be approved or condemned by one rule. There have indeed been great objections made to civil pensions, but the distinction between pensions for one sort of public services and for another is altogether arbitrary: or if any preference should be shown, one would suppose that in a country where the military power is made subordinate to the civil, it would be shown to civil pensions. But in truth the same general principles of liberal policy and national justice which justify one, will equally justify the other, and such is the general sentiment and practice of other nations.*

*The opinions now expressed have been long entertained by the author, and when he had a voice in the national legislature, he would have brought forward a proposition to allow each ex-president a pension for

In a letter to William T. Barry, of Kentucky, the late post-master-general, he says, "I consider the party division of whig and tory the most wholesome which can exist in any government, and well worthy of being nourished, to keep out those of a more dangerous character." We already see the power, installed for life, responsible to no authority, (for impeachment is not even a scare-crow) advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions, for the annihilation of constitutional state rights, and the removal of every check, every counterpoise to the engulfing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. The remedy for the threatened evil proposed by him is, that the future appointments of judges should be for four or six years, and removable by the president and Senate. This would bring their conduct, at regular periods, under revision and probation, and might keep them in equipoise between the general and special governments. He distinguishes between this country and England as to the independence of the judges, and says, "That there should be public functionaries independent of the nation, whatever may be their demerit, is a solecism in a republic, of the first order of absurdity and inconsistency."

In October, Mr. Jefferson received a letter from Mr. Adams, inquiring of him the history of the four ships ordered by Congress to be built during General Washington's administration for the purpose of protecting American commerce in the Medi-

life, in consideration of the extraordinary expenses to which he was unavoidably exposed, and because public opinion expected him to expend the whole of his salary; but he was restrained by the consideration that the two living ex-presidents were Virginians, and there would probably soon be a third. It is doing injustice to popular sentiment to suppose that the people would have grudged it. They are far more liberal of the public money than some of those who undertake to answer for them would make us believe.

terranean; and says that he had always imputed this measure to Mr. Jefferson, 1st. Because he had frequently proposed the same measure while they were at Paris, negotiating for peace with the Barbary powers. 2nd. Because he knew that Washington and Hamilton were not only indifferent to a navy, but averse to it. He supposes that General Washington might have consented to it, from his attachment to General Knox, and his deference to Mr. Jefferson's opinion. He says that he had personal evidence that Hamilton was averse to the measure, for, he says, while it was pending, "he came in a hurry and a fit of impatience to make a visit to me. He said he was likely to be called upon for a large sum of money to build ships of war, to fight the Algerines, and he asked my opinion of the measure. I answered him that I was clearly in favour of it, for I had always been of opinion, from the commencement of the revolution, that a navy was the most powerful, the safest, and the cheapest national defence for this country. My advice, therefore, was, that as much of the revenue as could possibly be spared, should be applied to the building and equipping of ships. The conversation was of some length, but it was manifest in his looks and in his air, that he was disgusted at the measure, as well as at the opinion I had expressed." He adds that he had always believed the navy to be "Mr. Jefferson's child," and that he had full proof that "Washington was averse to a navy, from his own lips, in many different conversations, some of them of length, in which he always insisted that it was only building and arming ships for the English."

To this letter Mr. Jefferson replies on the 1st of November: That he had racked his memory and ransacked his papers to answer Mr. Adams's inquiries, but to little purpose. He admits that he formed the opinion, while in Europe, that our government, as soon as practicable, should provide a naval force to keep the Barbary States in order; and when he returned to America, and became a member of General Washington's administration, he constantly maintained the same opinion: that in December, 1790, on a reference made to him by the first

Congress, he reported in favour of a force sufficient for the protection of our Mediterranean commerce. He thinks that General Washington approved of building ships to that extent; and General Knox certainly, but Colonel Hamilton he does not remember. He admits that Mr. Adams's recollections are corroborated by "his known anxieties for a close connexion with Great Britain," and his consequent apprehension of collisions between their vessels and ours. That after some of the ships added in Mr. Adams's administration were sold, under a law passed while he was in office, he considered that the public safety might require some additional ships to be in readiness for the first moment of war, provided they could be preserved from decay, and without expense. With this view he proposed that they should be built in dry docks, above the level of the tide waters, and covered with roofs. But a majority of the legislature was against any addition to the navy, "and the minority, [meaning the federalists,] though for it in judgment, voted against it on a principle of opposition." He adverts to the present plan of building ships under shelter, until wanted, when they will be launched and finished, and remarks: "On my plan they could be in service at an hour's notice." He thus far expresses his existing opinions on the subject: "The navy of the late war certainly raised our rank and character among nations. Yet a navy is a very expensive engine. It is admitted that in ten or twelve years a vessel goes to entire decay; or if kept in repair, costs as much as would build a new one: and that a nation who could count on twelve or fifteen years of peace, would gain by burning its navy and building a new one in time. Its extent, therefore, he says, must be governed by circumstances; and that since his proposition "for a force adequate to the piracies of the Mediterranean, a similar necessity has arisen in our own for a considerable addition to that force; and he expresses the wish that a convention with the naval powers of Europe would agree to keep down the pirates of the Mediterranean and the slave ships on the coast of Africa, while our ships performed the same duties in our seas: as in this way we should avoid collisions between

the ships of different nations and consequent wars, "which constitute the weightiest objection to navies."

Whatever is connected with this branch of the national defence, which is at once the cheapest, the most efficient, the safest, and that which has earned for the United States a glory which can never die, is interesting; and it would seem from the preceding correspondence, that the cautious character of General Washington prevented his being a zealous advocate for a navy, in the straitened means of the public treasury at that time. Mr. Jefferson's own mind certainly seems to have oscillated more than once on this subject—sometimes seeing its value and importance as clearly as it is generally seen now, and therefore becoming its advocate; but at others, alarmed at its burdensome expense, and its exposing the country to collisions with other naval powers, to discomfiture and disgrace, and therefore becoming its opponent. The objections urged by him to this species of defence, in his letter to Mr. Adams, seems not to be well founded, either on the adoption of his own plan of dry docks, supposing them practicable within a reasonable limit of expense, or on the plan which has been subsequently adopted; since vessels perfectly defended from the sun and rain undergo no change in a long series of years, and occasion an insignificant expense for their safe keeping. It is not seen how there would be any advantage in Mr. Jefferson's plan over the one now adopted, in being more readily prepared for service, except the single one that a vessel could be floated into tide water by locks quicker than she could be launched; for in either case the rigging and equipment must take place after the ship had left her shelter, and all other preparation could be made as well on one plan as the other; and the first advantage may be more than compensated by the great cost of water-tight locks, constructed of the requisite depth and dimensions. But in truth the two plans are essentially the same; and it affords a striking illustration of the justice with which party censure is meted out, that a scheme which since, with a small modification, it has been tested by experiment, obtains universal approbation, was, when proposed by Mr. Jefferson, ridiculed as visionary.

The perusal of O'Meara's account of Bonaparte, disposed Mr. Jefferson somewhat to qualify his opinion of that extraordinary individual. "It places him in a higher scale of understanding than I had allotted him. I had thought him the greatest of all military captains, but an indifferent statesman, and misled by unworthy passions. The flashes, however, which escaped from him in these conversations with O'Meara, prove a mind of great expansion, though not of distinct developement and reasoning. He seizes results with rapidity and penetration, but never explains logically the process of reasoning by which he arrives at them." He thinks, too, that the book makes us "forget his atrocities for a moment, in commiseration of his sufferings, and proves also that nature had denied him the moral sense, the first excellence of well organized man." On this position Mr. Jefferson thus reasons: "If he could seriously and repeatedly affirm, that he had raised himself to power without ever having committed a crime, it proves that he wanted totally the sense of right and wrong. If he could consider the million of human lives which he had destroyed or caused to be destroyed, the desolations of countries by plunderings, burnings and famine, the destitutions of lawful rulers of the world without the consent of their constituents, to place his brothers and sisters on their thrones, the cutting up of established societies of men and jumbling them discordantly together again at his caprice, the demolition of the fairest hopes of mankind for the recovery of their rights and amelioration of their condition, and all the numberless train of his other enormities; the man, I say, who could consider all these as no crimes, must have been a moral monster, against whom every hand should have been lifted to slay him." Mr. Jefferson seems to regard his confinement as justifiable by the necessity of the case, (or on the plea of self-preservation,) but he condemns the cold blooded insults and vexations to which he was subjected."

Many of the letters between these venerable statesmen were on the subject of religion. Their thoughts were naturally more turned from the affairs of this life, to that which they must soon exchange for it. Mr. Jefferson strongly objected to the doctrine

of the trinity, which he considered as irreconcilable with the attributes of a supreme intelligence and almost as disguised atheism. The most of what he wrote, therefore, on religion, is controversial and confined to this topic. But though he dissented from the prevailing creeds, his mind seemed to be seriously and thoroughly imbued with sentiments of a pure and exalted theism.

The whole of this letter must give great satisfaction to those friends of Mr. Jefferson, who, taking their opinion of his religious creed from his enemies, or from some of his own unguarded expressions, had doubted his religious faith. A more entire conviction of the truths of natural theology, more clearly and logically exhibited, is no where to be found; and those who hated and reviled him for his supposed unbelief, may here find in him an able auxiliary against the infidelity which is so often denounced as a prevalent vice of the age.

In June, 1823, Mr. Monroe, then president, consulted Mr. Jefferson on the course it would be proper for the United States to take, in the attempt which was then made by the allied powers to interfere in the concerns of Spain, where the Cortes were making an effort to remodel their constitution, and in whose success the sympathies of the American people were strongly enlisted. Mr. Jefferson says that, abstracted as he had been for some time from politics, he could give but common place ideas in answer to his inquiries, and they would be but the widow's mite, and offered only because requested. "The matter," he remarks, "which now embroils Europe, the presumption of dictating to an independent nation the form of its government, is so arrogant, so atrocious, that indignation, as well as moral sentiment, enlists all our partialities and our prayers in favour of one, and our equal execrations against the other. I do not know, indeed, whether all nations do not owe to one another a bold and open declaration of their sympathies with the one party, and their detestation of the conduct of the other. But farther than this we are not bound to go; and, indeed, for the sake of the world, we ought not to increase the jealousies, or draw on ourselves the power of this formidable confederacy. I have

ever deemed it fundamental for the United States, never to take active part in the quarrels of Europe. Their political interests are entirely distinct from ours. Their mutual jealousies, their balance of power, their complicated alliances, their forms and principles of government, are all foreign to us. They are nations of eternal war. All their energies are expended in the destruction of the labour, property, and lives of their people. On our part, never had a people so favourable a chance of trying the opposite system, of peace and fraternity with mankind, and the direction of all our means and faculties to the purposes of improvement instead of destruction. With Europe we have few occasions of collision, and these, with a little prudence and forbearance, may be generally accommodated. Of the brethren of our own hemisphere, none are yet, or for an age to come will be, in a shape, condition, or disposition to war against us. And the foothold which the nations of Europe had in either America, is slipping from under them, so that we shall be soon rid of their neighbourhood."

He considered England as not acting with good faith towards Spain; that her display of supporting liberal principles in Spain was understood by the allies, as meaning to deceive the English people, and gave no apprehensions to France. "It is," he says, "a theatrical farce, in which the five powers [meaning France, England, Austria, Russia, and Prussia] are the actors, England the *Tartuffe*, and her people the dupes."—"This war," he adds, "is evidently that of the general body of the aristocracy, in which England is also acting her part. 'Save but the nobles, and there shall be no war,' says she, masking her measures at the same time under the form of friendship and mediation, and hypocritically, while a party, offering herself as a judge, to betray those whom she is not permitted openly to oppose. A fraudulent neutrality, if neutrality at all, is all Spain will get from her. And Spain, probably, perceives this, and willingly winks at it rather than have her weight thrown openly into the other scale."

CHAPTER XX.

Letter to Judge Johnson. History of parties in the United States. General Washington's Farewell Address. Decisions of the Supreme Court. How constitutional questions are to be settled. Letter to Mr. Adams on the progress of civil liberty. Publication of Cunningham's correspondence. Letter to Mr. Adams. Mr. Pickering's review. Letter of vindication to Mr. Monroe. Letter to the president on resisting the interference of the Holy Allies in the affairs of Spanish America. To La Fayette on government. Universal political parties. To Mr. Sparks—on colonization in Africa. Exempting imported books from duty. To Mr. Livingston—roads and canals by the federal government. To Major Cartwright on the English constitution. Arrival of La Fayette in the United States—Visits Mr. Jefferson. National joy. Donation suggested by Mr. Jefferson.

1823—1824.

IN a letter to Judge Johnson, of South Carolina, then engaged in writing the life of General Greene, Mr. Jefferson adverts to the advantage which the federal party had obtained over their opponents "in preparations for placing their cause favourably before posterity," and expresses pleasure in hearing that Judge Johnson meant to continue his history of parties; and his views of the respective tenets and objects of the two parties, being here fully and carefully presented to one who was professedly undertaking to transmit their history to posterity, it is now given without abridgment.

He says "that at the formation of our government, many had formed their opinions on European writings and practices, believing the experience of old countries, and especially of England, abusive at it was, to be a safer guide than mere theory. The doctrines of Europe were, that men in numerous associations cannot be restrained within the limits of order and justice, but by forces physical and moral, wielded over them by authorities independent of their will. Hence their organization of kings, hereditary nobles, and priests. Still further to constrain the brute force of the people, they deem it necessary to keep them down by hard labour, poverty, and ignorance, and to take from them, as from bees, so much of their earnings, as that unremitting labour shall be necessary to obtain a sufficient surplus barely to maintain their privileged orders in splendour and idleness, to fascinate the eyes of the people, and excite in them an humble adoration and submission, as to an order of superior beings. Although few among us had gone all these lengths of opinion, yet many had advanced, some more, some less, on the way. And in the convention which formed our government, they endeavoured to draw the cords of government as tight as they could obtain them, to lessen the dependence of the general functionaries on their constituents; to subject to them those of the states; and to weaken their means of maintaining the steady equilibrium which the majority of the convention had deemed salutary for both branches, general and local. To recover, therefore, in practice the powers which the nation had refused, and to warp to their own wishes those actually given, was the steady object of the federal party. Ours, on the contrary, was to maintain the will of the majority of the convention, and of the people themselves. We believed, with them, that man was a rational animal, endowed by nature with rights, and with an innate sense of justice; and that he could be restrained from wrong, and protected in right, by moderate powers, confided to persons of his own choice, and held to their duties by dependence on his own will. We believed that the complicated organization of kings, nobles, and priests, was not the wisest or best to effect the happiness of associated man; that wisdom and

virtue were not hereditary; that the trappings of such a machinery consumed, by their expense, those earnings of industry they were meant to protect, and, by the inequalities they produced, exposed liberty to sufferance. We believed that men enjoying in ease and security the full fruits of their own industry, enlisted by all their interests on the side of law and order, habituated to think for themselves, and to follow their reason as their guide, would be more easily and safely governed, than with minds nourished in error, and vitiated and debased, as in Europe, by ignorance, indigence and oppression. The cherishment of the people was then our principle, the fear and distrust of them, that of the other party. Composed, as we were, of the labouring interests of the country, we could not be less anxious for a government of law and order than were the inhabitants of the cities, the strong holds of federalism. And whether our efforts to save the principles and form of our constitution have, not been salutary, let the present republican freedom, order, and prosperity of our country determine. History may distort truth, and will distort it for a time, by the superior efforts at justification of those who are conscious of needing it most. Nor will the opening scenes of our present government be seen in their true aspect, until the letters of the day, now held in private hoards, shall be broken up and laid open to public view. What a treasure will be found in General Washington's cabinet,* when it shall pass into the hands of as candid a friend to truth as he was himself! When no longer, like Cæsar's notes and memorandums in the hands of Anthony, it shall be open to the high priests of federalism only, and garbled to say so much and no more, as suits their views?"

Of General Washington's farewell address, he gave that account which has been confirmed since Mr. Madison's death, by the publication of the letters actually written by General Washington and Mr. Madison on the subject.

He remarks, "I have been blamed for saying, that a preva-

* These papers have lately been purchased by Congress, and many of the most interesting had been previously selected for publication by Mr. Sparks.

lence of the doctrines of consolidation would one day call for reformation or *revolution*. I answer by asking, if a single state of the Union would have agreed to the constitution, had it given all powers to the general government? If the whole opposition to it did not proceed from the jealousy and fear of every state, of being subjected to the other states in matters merely its own? And if there is any reason to believe the states more disposed now than then, to acquiesce in this general surrender of all their rights and powers to a consolidated government, one and undivided?"

He answers the judge's inquiry whether the supreme court had passed beyond its constitutional limits at great length, and thinks that it had: and instances the case of Cohens against the state of Virginia, and the case of Marbury against Madison, in which the doctrines laid down by the court were objectionable, not only because they were not applicable to the precise case before the court, and were therefore extrajudicial, but because they extended the powers of the general government, both legislative and judicial, beyond the fair meaning of the constitution. He refers, in support of his views, to several essays published in the Richmond Enquirer, particularly a series of essays under the signature of Algernon Sidney, by judge Roane.

He says he agrees with the chief justice that "there must be an ultimate arbiter somewhere." "True," he says, "there must; but does that prove it is either party? The ultimate arbiter is the people of the Union, assembled by their deputies in convention, at the call of Congress, or of two-thirds of the states. Let them decide to which they mean to give an authority claimed by two of their organs. And it has been the peculiar wisdom and felicity of our constitution, to have provided this peaceable appeal, where that of other nations is at once to force."

In a government like ours, which has been framed by a written constitution, where only a portion of power has been delegated by the people to their functionaries, and this has been distributed among three distinct and independent departments, questions must often arise whether any one of these depart-

ments has transcended the limits prescribed to it by the constitution, either by exercising powers delegated to some other department, or not delegated at all. The probable recurrence of such questions is multiplied in a federal government, as questions of power may arise between the different departments of the general government; and also between that government and the state governments; and that government and the people. Questions of nearly all these descriptions have, in fact, already arisen, and in one of them they have been frequent between the general government and the states, and occasionally of an agitating and dangerous character. It has, therefore, been a desideratum that a tribunal should be provided that should settle these questions, so as to prevent hazardous collisions, or even the appeals to the people which Mr. Jefferson refers to, which are always agitating, are difficult and tedious in the execution, and are unsatisfactory to some, if they are decided by a bare majority, and to others, if a majority should not prevail. But this desideratum has never yet been discovered, and it seems to be too probable that no such tribunal could be provided, that would obviate any of the apprehended evils of an appeal to the people. Judge Roane did once form a project of this kind, and proposed it in the newspapers, but the scheme not being seconded, or in fact, exciting much interest in other states, it was soon forgotten. We must, then, perhaps, be compelled to submit to these inconveniencies, as inseparable from our form of government, and console ourselves with the reflection that all human institutions are imperfect, that this evil to which we must submit, is amply compensated by numerous other advantages, and possibly that time may gradually bring men's minds to become settled on some of those questions which have most disturbed and alarmed us. In the meanwhile, a more general conviction that there is no tribunal for settling them definitely, will increase the caution of the different functionaries of coming into collision. This temper has already eluded many controversies which might have been inflamed into angry and violent conflicts.

Age seems to have had no effect in tempering Mr. Jefferson's

zeal in behalf of civil liberty, or his hopes of its successful advancement in the civilized world, notwithstanding "the difficulties of revolutions from despotism to freedom." On the 4th of September, 1823, he writes to Mr. Adams: "The generation which commences a revolution rarely completes it. Habituated from their infancy to a passive submission of body and mind to their kings and priests, they are not qualified when called on to think and provide for themselves; and their inexperience, their ignorance, and bigotry, make them instruments often, in the hands of the Bonapartes and Iturbides, to defeat their own rights and purposes. This is the present situation of Europe and Spanish America. But it is not desperate. The light which has been shed on mankind by the art of printing, has eminently changed the condition of that world. As yet, the light has dawned on the middling classes only of the men of Europe. The kings and the rabble, of equal ignorance, have not yet received its rays; but it continues to spread, and while printing is preserved, it can no more recede than the sun can return on his course. A first attempt to recover the right of self-government may fail, so may a second, a third, &c.; but as a younger and more instructed race comes on, the sentiment becomes more and more intuitive, and a fourth, a fifth, or some subsequent one of the ever renewed attempts, will ultimately succeed. In France, the first effort was defeated by Robespierre, the second by Bonaparte, the third by Louis XVIII. and his holy allies; another is yet to come, and all Europe, Russia excepted, has caught the spirit; and all will attain representative government, more or less perfect. This is now understood to be a necessary check on kings, whom they will probably think it more prudent to chain and tame than to exterminate. To attain all this, however, rivers of blood must yet flow, and years of desolation pass over; yet the object is worth rivers of blood and years of desolation. For what inheritance so valuable can man leave to his posterity? The spirit of the Spaniard, and his deadly and eternal hatred to a Frenchman, give me much confidence that he will never submit, but finally defeat this atrocious violation of the laws of God and man under which he is suffering; and the

wisdom and firmness of the Cortes afford reasonable hope that that nation will settle down in a temperate representative government, with an executive properly subordinated to that—Portugal, Italy, Prussia, Germany, and Greece, will follow suit. You and I shall look down from another world on these glorious achievements to man, which will add to the joys even of heaven.”

It was in the latter part of this year that the correspondence between ex-president Adams and a friend of his, Mr. William Cunningham, was published by a son of Mr. Cunningham. This correspondence was invited by Mr. Cunningham, in consequence of some meditated publication against Mr. Jefferson, then about to be a candidate for a second presidential term, with the expectation of obtaining important information from Mr. Adams. The ex-president, who was not yet reconciled to his successful competitor, favouring Mr. Cunningham’s purpose, communicated with him very freely, in a series of letters which extend over a period of more than nine years, from November, 1803, to January, 1812; but always under the injunction of secrecy, and on the express promise of Mr. Cunningham that Mr. Adams’s letters never should be published in his lifetime. Yet the son, disregarding these engagements, did publish the letters while Mr. Adams was alive. It is one of many instances in which, to effect some party or personal object, the confidence of private intercourse and correspondence have been shamefully violated.

Mr. Jefferson adverted to this correspondence on the 12th of October, in a style which does great honour both to his generosity of feeling and his good sense. “I write this letter, he says, as due to a friendship coeval with our government, and now attempted to be poisoned, when too late in life to be replaced by new affections. I had for some time observed in the public papers, dark hints and mysterious inuendoes of a correspondence of yours with a friend, to whom you had opened your bosom without reserve, and which was to be made public by that friend, or his representative. And now it is said to be actually published. It has not yet reached us, but extracts have been given, and such as seemed most likely to draw a curtain of separation between you and myself. Were there no other

motive than that of indignation against the author of this outrage on private confidence, whose shaft seems to have been aimed at yourself more particularly, this would make it the duty of every honourable mind to disappoint that aim, by opposing to its impression a sevenfold shield of apathy and insensibility. With me, however, no such armour is needed. The circumstances of the times in which we have happened to live, and the partiality of our friends at a particular period, placed us in a state of apparent opposition, which some might suppose to be personal also: and there might not be wanting those who wished to make it so, by filling our ears with malignant falsehoods, by dressing up hideous phantoms of their own creation, presenting them to you under my name, to me under yours, and endeavouring to instil into our minds things concerning each other the most destitute of truth. And if there had been, at any time, a moment when we were off our guard, and in a temper to let the whispers of these people make us forget what we had known of each other for so many years, and years of so much trial, yet all men who have attended to the workings of the human mind, and have seen the false colours under which passion sometimes dresses the actions and motives of others, have seen also those passions subsiding with time and reflection, dissipating like mists before the rising sun, and restoring to us the sight of all things in their true shape and colours. It would be strange indeed, if, at our years, we were to go an age back to hunt up imaginary or forgotten facts, to disturb the repose of affections so sweetening to the evening of our lives. Be assured, my dear sir, that I am incapable of receiving the slightest impression from the effort now made to plant thorns on the pillow of our age, worth, and wisdom, and to sow tares between friends who have been such for near half a century. Beseeching you then not to suffer your mind to be disquieted by this wicked attempt to poison its peace, and praying you to throw it by among the things which have never happened, I add sincere assurances of my unabated and constant attachment, friendship, and respect."

Soon after the particulars of "the Cunningham correspondence," Mr. Timothy Pickering thought proper, under the cha-

racter of a review, and for the seeming purpose of vindicating his own character against the attacks of Mr. Adams, to assail both him and Mr. Jefferson. Nothing could have been more unprovoked than his vituperations of Mr. Jefferson, for his letter to Mr. Adams, which Pickering assigns as the ground of this part of his animadversions, makes no mention or even allusion to him, or even to the party to which he belonged; and, of the numerous libels which have been uttered against Mr. Jefferson, no one was more gratuitous than this. Mr. Van Buren having sent Mr. Jefferson a copy of this review, he, after he had time to animadvert on it, wrote to that gentleman a long letter in reply, dated June 29, 1824.

He begins by remarking, "that he could not have believed, that for so many years, and to such a period of advanced age, Mr. Pickering could have nourished passions so vehement and viperous. It appears that for thirty years, he has been industriously collecting materials for vituperating the characters he had marked for his hatred; some of whom, certainly, if enmities towards him had ever existed, had forgotten them all, or buried them in the grave with themselves. As to myself, there never had been any thing personal between us, nothing but the general opposition of party sentiments; and our personal intercourse had been that of urbanity, as himself says. But it seems he has been all this time brooding over an enmity which I had never felt, and that with respect to myself, as well as others, he has been writing far and near, and in every direction, to get hold of original letters, where he could, copies where he could not, certificates and journals, catching at every gossiping story he could hear of in any quarter, supplying by suspicions what he could find no where else, and then arguing on this motley farrago, as if established on gospel evidence." He then refers to twenty-seven passages of Pickering's pamphlet to prove "the assiduity and industry he had employed in his benevolent researches."

The sentiments and temper exhibited in the following passage could have been dictated only by conscious rectitude. "He arraigns me on two grounds, my actions and my motives. The very actions, however, which he arraigns, have been such as

the great majority of my fellow citizens have approved. The approbation of Mr. Pickering, and of those who thought with him, I had no right to expect. My motives he chooses to ascribe to hypocrisy, to ambition, and a passion for popularity. Of these the world must judge between us. It is no office of his or mine. To that tribunal I have ever submitted my actions and motives, without ransacking the Union for certificates, letters, journals, and gossiping tales, to justify myself and weary them. Nor shall I do this on the present occasion, but still leave to them these antiquated party diatribes, now newly revamped and paraded, as if they had not already been a thousand times repeated, refuted, and adjudged against him, by the nation itself. If no action is to be deemed virtuous for which malice can imagine a sinister motive, then there never was a virtuous action; no, not even in the life of our Saviour himself. But he has taught us to judge the tree by its fruit, and to leave motives to him who can alone see into them."

While then he leaves the fate of Mr. Pickering's libel to that "of the thousands of others like it," there are two facts stated by Mr. Pickering which he feels himself called on to correct. One was that Mr. Adams had not written as Mr. Pickering asserted, on mere conjecture, a letter of apology to Mr. Jefferson, which occasioned his letter of the 12th of October preceding." So far from it, there was not a word or allusion in it respecting Cunningham's correspondence. The other fact was, that General Washington had, when he became a private citizen, called Mr. Jefferson to account for expressions used in his letter to Mazzei, which assertion has been already fully noticed.

In October, the president wrote to Mr. Jefferson to consult him on the course it would be advisable for the United States to take relative to the rumoured interposition of the Holy Allies, as they called themselves, in the contest between Spain and her late colonies in America. It has since appeared that Mr. Canning, not approving of their interference, had suggested to our government to oppose it, with a promise of support from the government of Great Britain; and these facts were communicated to Mr. Jefferson. He replied that the question was "the most momentous which had ever been offered to his con-

temptation since that of independence.” That, he says, made us a nation, this sets our compass, and points the course which we are to steer through the ocean of time opening on us. “Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with cis-Atlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should, therefore, have a system of her own, separate and apart from that of Europe. While the last is labouring to become the domicile of despotism, our endeavour should surely be, to make our hemisphere that of freedom. One nation, most of all, could disturb us in this pursuit; she now offers to lead, to aid, and accompany us in it. By acceding to her proposition, we detach her from the band of despots, bring her mighty weight into the scale of free government, and emancipate a continent at one stroke, which might otherwise linger longer in doubt and difficulty. Great Britain is the nation that can do us the most harm of any one, or all on earth; and with her on our side, we need not fear the whole world. With her then, we should most sedulously cherish a cordial friendship; and nothing would tend more to knit our affections than to be fighting once more, side by side, in the same cause. Not that I would purchase even her amity at the price of taking part in her wars. But the war in which the present proposition might engage us, should that be its consequence, is not her war, but ours. Its object is to introduce and establish the American system, of keeping out of our land all foreign powers, and of never permitting those of Europe to intermeddle with the affairs of our nation’s. It is to maintain our own principle, not to depart from it. And if, to facilitate this, we can effect a division in the body of the European powers, and draw over to our side its most powerful member, surely we should do it. But I am clearly of Mr. Canning’s opinion, that it will prevent, instead of provoking war. With Great Britain withdrawn from their scale, and shifted into that of our two continents, all Europe combined would not undertake such a war. For how would they propose to get at either enemy without superior fleets? Nor is the occasion to be slighted

which this proposition offers, of declaring our protest against the atrocious violations of the rights of nations, by the interference of any one in the internal affairs of another, so flagitiously began by Bonaparte, and now continued by the equally lawless alliance, calling itself Holy."

As to any acquisition to ourselves, he admits that he has ever looked on Cuba "as the most interesting addition which could ever be made to our system of states. The control which, with Florida point, this island would give us over the Gulf of Mexico, and the countries and isthmus bordering on it, as well as all those whose waters flow into it, would fill up the measure of our political well-being." Yet as it could not be obtained without war, and its independence could be secured without it, he would prefer that with peace and the friendship of England, rather than "its association, at the expense of war and her enmity."

He, therefore, thought we could honestly join in the declaration proposed, "that we aimed not at the acquisition of any of those possessions; that we would not stand in the way of any amicable arrangements between them and the mother country; but that we would oppose with all our means, the forcible interposition of any other power, as auxiliary, stipendiary, or under any other form or pretext, and most especially, their transfer to any power by conquest, cession, or acquisition in any other way;" and he adds, that he thinks the president should encourage the British government to continue in the dispositions it has expressed, by an assurance of his concurrence with them, as far as his authority goes; and that as it may lead to war, which can be done only by Congress, he would present the case to them for consideration at their first meeting, in the same aspect as it was seen by himself." These views harmonized so well with those entertained by Mr. Monroe and his cabinet, that the president, in his annual message, took the ground recommended; and although it created some surprise at first, as the previous understanding with the English ministry was known only to a few, and it was thought, by some, to assume rather a higher tone than comported with the limited power of the American executive, yet it was well received by the nation,

and in Europe, few acts of our government have been regarded with equal importance. It was considered as putting the question of foreign interference between Spain and her colonies at rest for ever.

In spite of Mr. Jefferson's strong predilection for popular government, and his belief in its practicability under favourable circumstances, he still doubted, as he says in a letter to his friend La Fayette, in November, 1823, whether the state of society, in Europe, could bear a republican government, as he had doubted when he was in Europe. He remarks, "an hereditary chief, strictly limited, the right of war vested in the legislative body, a rigid economy of the public contributions, and absolute interdiction of all useless expenses, will go far towards keeping the government honest and unoppressive. But the only security of all is a free press. The force of public opinion cannot be resisted, when permitted freely to be expressed. The agitations it produces must be submitted to. It keeps the waters pure."

In speaking of politics at home, he says, the federalists now call themselves republicans, but that the name alone is changed, their principles are the same, and that the parties of whig and tory are those of nature. "They exist in all countries, whether called by these names, or by those of aristocrats and democrats, *côté droite* and *côté gauche*, ultras and radicals, serviles and liberals. The sickly, weakly, timid man, fears the people, and is a tory by nature. The healthy, strong, and bold, cherish them, and is formed a whig by nature."

Some may doubt, however, whether such are the leading characteristics of those universal political parties into which communities are every where divided. The love of freedom has been considered to be the love of power, under a particular form, and those who feel the pressure of power, or privilege—any thing in short which restrains their freedom of action, or mortifies their pride—are impatient of the control; and if they are sensitive and firm, they are zealous asserters of liberty. They, on the other hand, who, in the distribution of power and rank, are raised above the ordinary level, are the favourers of

inequality by which they profit, and jealous of those who are placed below them. But these feelings are modified by the temper of the individual, and a man who is either timid or brave may belong to either party. If he is a patrician and firm, he treats the plebeian with scorn and contempt. If timid, he sometimes courts them. On the other hand, the plebeian, if he has firmness, is jealous and impatient of superiority; but if timid, he crouches, fawns, and flatters, under a stable government, but takes the lead in cruelty in the moment of revolution. The tendency of property, and office, and ancestry, and power, (however acquired) which seems to possess stability, is to beget distrust, and perhaps contempt of the people, though particular circumstances may countervail these biases. On the other hand, poverty, obscurity, and the sense of inferiority lead men to take the opposite side. Conscious talents incline to one side or the other, according to circumstances. If accompanied by great integrity, they incline to the popular side, as more accordant with the principles of natural justice; so if unprincipled, they may take the same side, if it furnishes, as it often does, a better theatre for their exertion: But talent without moral principle lends itself indifferently to kings, nobles, or people, according to the prospect of reward.

He considers the prevailing distinction at that time, to be "the preservation of state rights as reserved in the constitution, or by strained constructions of that instrument, to merge all into a consolidated government; and says the tories are for strengthening the general and executive government; the whigs cherish the representative branch, and the rights reserved by the states, as the bulwark against consolidation, which must immediately generate monarchy."

Having, in January, 1824, received from Mr. Sparks, editor of the North American Review, a number of that work, containing an article on the Colonization Society, he expresses his favourable opinion of the society, as promising to fulfil the first great object we should have in view regarding the African race, namely, the establishment of a colony on the coast of Africa, which may introduce among the aborigines the arts of

cultivated life, and the blessings of civilization and science," and thus make them some retribution for our past injuries to them, which benefit may in time exceed the sum of evil. But for the second object, the providing an asylum to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection as a separate, free, and independent people, he supposes the coast of Africa will not suit; if for no other reason, on account of the expense of its execution. Allowing twenty-five years for its accomplishment of the scheme of general emancipation, and estimating the number of slaves in that time at 3,000,000, he computes the whole expense of purchasing them, and transporting them to Africa at 900,000,000 dollars, requiring 36 millions a year for nine years, with the exception of a gradual diminution of the number after about sixteen years. He, however, thinks his original plan of emancipating the after born is practicable, and that to defray even this reduced expense, the public lands may furnish the requisite fund. He thinks that St. Domingo would furnish a fit, as well as the most accessible asylum. Supposing the annual increase to be 60,000, fifty vessels, of 400 tons each, would be sufficient for the transport of that number. He regards the result with his first enthusiasm. "I do not, he says, go into all the details of the burthens and benefits of this operation. And who could estimate its blessed effects? I leave this to those who will live to see their accomplishment, and to enjoy a beatitude forbidden to my age. He then shows, as on all other occasions, that his construction of the constitution is strict or liberal according as the national good would be best promoted. "I am aware, he remarks, that this subject involves some constitutional scruples. But a liberal construction, justified by the object, may go far, and an amendment of the constitution, the whole length necessary.

He at the same time, expresses his satisfaction that Mr. Sparks endeavours to free imported books from duty. He hoped "a crusade would be kept up against it until those in power should become sensible of this stain on our legislation." In conforming with the same views he presented a petition to Con-

gress against this duty in the session of 1823, which, being drawn by himself, was circulated among the members, as an object of interest and curiosity, not only as his autograph, but as a remarkable specimen of neat penmanship for one then eighty years of age. The bill passed the House of Representatives by a large majority, but in the Senate, the interest of the booksellers prevailed against that of the community, and it was rejected.

Mr. Jefferson having received from Mr. Edward Livingston,* then one of the representatives in Congress from Louisiana, a copy of his speech in favour of internal improvement, took that occasion to express, in a way as little offensive as possible, his dissent from the doctrine that the general government has constitutionally the power to make roads and canals; and that when we have any doubt about a power, the safest course is not to exercise it. He thought, however, in consideration of the extensive and deep seated opposition to the assumption of it, the conviction entertained by so many, that this deduction of power by elaborate construction prostrates the rights reserved to the states; the difficulties with which it will rub along in the course of its exercise; that changes of majorities will be changing the system backwards and forwards, so that no undertaking under it would be safe; every state in the Union would consent to give the power by an amendment to the constitution, with some

* It is gratifying to the mutual friends of Mr. Jefferson and Mr. Livingston to find, by this correspondence, that an entire reconciliation had taken place between them. Mr. Livingston having removed from New York to New Orleans, purchased of John Gravier some of the alluvial ground on the banks of the Mississippi which is known there by the name of the *Batture*, and which was at the same time claimed by the city of New Orleans. On the representations of the citizens, Mr. Jefferson while president, ordered Mr. Livingston to be dispossessed of this property, and the possession to be restored to the city, until the merits of the conflicting claims could be judicially investigated. While this investigation was going on, papers were written both by Mr. Jefferson and Mr. Livingston in their vindication. The property was finally adjudged to Mr. Livingston, and after Mr. Jefferson's presidential term expired, a suit was brought against him in Virginia by Mr. Livingston for damages. Had it not failed for want of jurisdiction, it would have presented the novel and delicate question whether the chief magistrate of a nation was liable to answer in a civil suit for an official act.

guard against abuse, and he thought it the wisest course to ask the power. This would render its exercise smooth and acceptable to all, and insure to it all the facilities which the states could contribute, to prevent the abuse of bartering of votes which is so frequent in all public bodies. And he suggests that a proviso that the federal quota of each state should be expended within the state would give general satisfaction.

Mr. Jefferson has expressed the proposition too broadly that there would be no objection to such an amendment as he recommends, for some of those who oppose the federal power of making roads and canals, ground their opposition yet more upon its inexpediency, or rather upon its pernicious tendency, than because it contravenes the constitution, and this ground was actually taken in that very debate. They think that our government can continue either permanent or free only by limiting the sphere of its operations to a few general objects, in which the interests of the several parts are identical, or not dissimilar; and that if its powers be extended to domestic concerns, which are so various, and which are so immediately felt by the people, there will arise perpetual jealousies and contentions among them, which will finally end in separation. Nor is this all. For a power so extensive as would be one over roads and canals, might so increase the patronage and influence of the federal executive, as to render the counterpoise of the states insignificant, and gradually erect the chief magistrate into a monarch. Or if that be deemed an extravagant supposition, it might at least gradually bring all power to the general government by successive encroachments and amendments, after which consolidation, civil liberty could not long survive. A single government for a country of such vast extent as this now is, and of such a teeming population, as it is destined to be, can operate either upon its extremities, or in the minor exertions of authority, only by delegating large discretionary powers to its distant and subordinate agents. The occasional disobedience of remote districts, or the feeble exercise of its authority, under the forms of a free government, would imperiously call for an enlargement of its powers; and those who exercised the executive functions, thus furnished

with pretexts for change, would not want the means of effecting it. Every one must admit that the larger the public revenue which the executive has to collect and disburse, the greater is its actual power. Yet no supposable amount of revenue would give as much power as a general system of roads and canals. It would furnish the means of conferring or refusing reward or profit to every man in the nation. We may form some idea of its extent by adverting to what has already taken place in the state of New York. Already the tolls from its canals exceed a million a year, and the profits from the rail-roads and canals that are projected will soon be two or three millions, and may, by the extension of similar improvements and even turnpikes, be easily made to double the amount. Yet this amount of tolls, large as it is, but inadequately expresses the benefits which the community experiences from these useful works, since those who pay the tolls, have, in the increased value and productiveness of their land and industry, received perhaps ten times as much as they pay. With such exhaustless means of corruption to act on individuals and detached portions of the community, it is impossible that it would not become corrupt.

On the 5th of June, 1824, Mr. Jefferson wrote a long letter to Major John Cartwright, who had sent him a copy of his work on the English constitution, which he thought had been, in that work, correctly deduced from the Anglo-Saxons. "Having driven out the former inhabitants of that part of the island called England," he remarks, "they became aborigines as to you, and your lineal ancestry. They, doubtless, had a constitution; and though they have not left it in a written formula, to the precise text of which you may always appeal, yet they have left fragments of their history and laws, from which it may be inferred with considerable certainty. Whatever their history and laws shew to have been practised with approbation, we may presume was permitted by their constitution; whatever was not so practised, was not permitted. And although this constitution was violated and set at nought by Norman force, yet force cannot change right. A perpetual claim was kept

up by the nation, by their perpetual demand of a restoration of their Saxon laws, which shews they were never relinquished by the will of the nation. In the pullings and haulings for these ancient rights, between the nation and its kings of the races of Plantagenets, Tudors, and Stuarts, there was sometimes gain and sometimes loss, until the final conquest of their rights from the Stuarts. 'The destitution and expulsion of this race broke the thread of pretended inheritance, extinguished all regal usurpations, and the nation re-entered into all its rights; and although in the bill of rights they specifically reclaimed some only, yet the omission of the others was no renunciation of the right to assume their exercise also, whenever occasion should occur. The new king received no rights or powers, but those expressly granted to him." He is very severe on Hume for maintaining that the people encroached upon the sovereign, and not the sovereign upon the people, calling him a "degenerate son of science," and "traitor to his fellow-men," for saying that "the commons established a principle, which is noble in itself, and seems specious, but is belied by all history and experience, *that the people are the origin of all just power.*"

In his sketch of the theory of our government, he notices those fundamental principles which are recognised in most of the states; and does not forget among the improvements which he hopes will be adopted, his favourite ward system. He regards the federal and state governments "as co-ordinate departments of one simple and integral whole." And that in cases where both claim the same subject of power, and the question can neither be avoided nor compounded, a convention of the states must be called, to ascribe the doubtful power to that department they think best. He agrees with Major Cartwright, that the judiciary had usurped legislative powers in deciding that christianity is a part of the common law, and he examines that question by a reference to numerous law authorities which implies great diligence and patience of research.

• In the autumn of the present year, he had the satisfaction of seeing his old friend La Fayette, at Monticello. That gene-

rous and gallant Frenchman, the friend of America for almost fifty years, had arrived at New York in August, for the purpose of meeting such of the companions of his youthful campaigns as yet survived, and of witnessing with his own eyes, the fruits of that independence he had aided in achieving, and of that civil liberty he so much prized. Such was the enthusiasm with which he was received by the whole nation, that his journey through the states appeared as one continued triumphal procession; and no national victory ever produced more fervent and universal exultation than did this unpretending visit of an ancient friend; nor did any chief or emperor, in the pride of power and conquest, ever receive homage more profound, or greetings so sincere as was voluntarily paid to this private citizen, a foreigner too, from the recollection of his disinterested services in the cause of the revolution. It appeared as if all that could gratify the pride of an American or his love of country from that event, was fixed and personified in this single individual, who thus appeared among them again, after an interval of more than forty years, and, in whose living form, they were carried back to the toils, the sufferings, the hazards of the revolution, while every thing around them reminded them of its noble fruits. An individual in New York,* partaking of the general feeling to do him honour, having remarked that he ought to be considered as the "nation's guest," the idea chiming in with the popular feeling, was immediately seized and carried into execution. The word was in every one's mouth, and with a uniformity and alacrity that no law could have produced, he was transported from city to city, from state to state, throughout the Union, in splendid equipages, and every where provided with well furnished lodgings, and a sumptuous table, free of expense. The mass of the nation of all ages, both sexes, and every condition of life, partook of this overflowing gratitude, and the more soberminded regarding this feeling as reflecting honour on the givers and receiver, countenanced and encouraged it, so that the nation appeared to be in one general state of delirious joy.

* General Morton, who has recently terminated his meritorious and blameless life.

Mr. Jefferson, with the friendly feelings which he had ever entertained for La Fayette, wisely took advantage of this overflow of gratitude, to suggest that Congress should add some more substantial and lasting proof of its sense of former services, by a liberal provision for their benefactor, whose fortune, though it had been large, had never equalled his munificence. This proposal,* too, like seed sown at a right time on a good soil, was generally adopted, and notwithstanding the rooted prejudice against pensions, was adopted by Congress unanimously, with the exception of the delegation of a single state, who either could not conquer their own scruples, or doubted whether they could overcome those of their constituents.

La Fayette passed some days at Monticello, was fêted as usual, in Charlottesville, and having completed his tour through the states, revisited Mr. Jefferson in the following year, before he returned to France.

In one of the letters of Mr. Jefferson to Mr. Madison, published in his correspondence, he speaks of La Fayette as having a "canine thirst for popularity," and censure has been cast on him for using this term towards one to whom he professed friendship, and on the editor, for having published it. In defence of the latter, it may be remarked, that if the expression was unwarranted, and inconsistent, yet the public ought to know it, this being one of the numerous facts which make up the sum total of character, and on which the present public and yet more those that are to come after us, have paramount claims. He considered that the public, and posterity especially, had claims to know the opinions of Mr. Jefferson concerning the eminent men of his day, whether those opinions were controvertible or not; that in the discharge of the duty of giving his letters to the world, he was not justified in altering or suppressing a single offensive expression, not only because, if known, it would lessen the credit and

* It may be fairly questioned whether if this proposal had not been made by Mr. Jefferson, it would not have occurred to others. I heard the same thing mentioned in New York by a lady. As in an epidemic the disease is ascribed to him with whom it first appears, though it had been certain to have exhibited itself in some other quarter.

authenticity of the rest; and because, moreover, the sentiments of one man towards another are to be inferred from the general tenor of his conduct, and not from any isolated word, written in the carelessness of haste, and in the security of confidential intercourse.

In defence of Mr. Jefferson himself, it may be remarked, besides the unreasonableness of subjecting every word in a letter to his most intimate friend to the ordeal of criticism, that he did not attach to the word "canine" an odious or contemptuous sense, but merely meant to express what was excessive, as he has often applied the word to himself; and speaks of his own *canine* thirst, desire, &c. It amounts, then, to no more than that he thought that La Fayette had an undue love for popularity; a censure which has often been urged against himself, and which bordered so nearly on what he considered a sentiment of justice and truth as scarcely to seem a censure.

CHAPTER XXI.

The University goes into operation. Mr. Jefferson's exertions for its success. Fails in procuring farther grants from the legislature. His maxims of practical Morality. Receives a second visit from La Fayette. His system of Laws for the University. Disorders—and Proceedings thereon. The power of the Federal Government to make Roads and Canals. Letter to Mr. Madison. Proposed Protest of the Virginia Legislature. Letters to Mr. Giles concerning president Adams. Letter to Mr. Madison. His pecuniary difficulties. His heavy expenses. Applies to the Legislature for leave to dispose of his Property by a Lottery. His hopes of the University. Letter to the President. Liberal principles of National Law. Plan of his Lottery. Public Sympathy. Other schemes of relief attempted. Letters to the Mayor of Washington. His last illness and death. Honours to his memory.

1824—1826.

THE time now approached when Mr. Jefferson was to have the satisfaction to see his long cherished scheme of the university carried into execution. The buildings were so far completed as to be fit to open the institution by the latter end of the year 1824. He had long before turned his attention to the subject of obtaining professors, and had come to the conclusion that it would be advisable to procure them from Europe, it being better, as he said, to get competent foreigners, than second rate natives, since those of the first order of talents were likely to be already engaged in other institutions, which they could not leave, and because, moreover, it would be invidious to seduce them. His colleagues having concurred in his views, the board had sent a special agent, Mr. F. W. Gilmer, to England, for the

purpose of engaging suitable professors, except those of moral philosophy and law, which it was deemed more advisable to procure at home.

Mr. Jefferson has been censured for this course, as reflecting on the science and literature of his own country. But surely nothing can be more defensible. The institution, which had been reared by his efforts, and for whose success he had every motive, personal and patriotic, aspired to give a course of education equal to any other in the United States. As the most capable professors were presumed to be already occupied, that description of talent being not yet redundant in the country, and scarcely equalling the demand, to have confined himself to such professors as could have been obtained here would have subjected the visitors to the alternative of either taking inferior men, such as had not found employment elsewhere, or of enticing them from some other institution. 'The first course would have been unfaithful to themselves, their own promises, and the public expectations.' The last would have been invidious, would have subjected them to a still severer censure, and their own injustice might have been retorted on them.

The professors finally arrived at the end of 1824, or beginning of 1825, and with the addition of the professor of chemistry and of moral philosophy, obtained in the country, the university opened in April, 1825. The main building, the rotunda, was still unfinished, and the legislature began to be deaf to the appeals made to it for more money. It happened, however, fortunately, that there was still an unsettled claim of Virginia against the general government for interest due upon the advances made by the state for the public defence; it being a general practice in that government not to pay interest on its debts, because it assumes that the public treasury has always been able to discharge all just claims against it, and that the delay of payment has been owing either to a delay of application, or a want of evidence, or authority. These suppositions, however, do not always square with the fact, and did not in the present instance, since Virginia had been a creditor, because the United

States were not in a condition to make the requisite advances, and Virginia had, in fact, been paying interest on the money thus expended. The claim for interest, therefore, seemed to be as well founded as that of the principal. The visitors applied to the legislature for a grant of a part of this fund, on account of the university, and succeeded in obtaining one to the amount of fifty thousand dollars, but they were not able to obtain any further advances out of the public treasury. The claim being thus appropriated, it was earnestly pressed by the délégation from the state, and by dint of the many personal friends which Mr. Jefferson had in Congress, the favour shown by the liberal minded members of the legislature towards its object, and the influence of the president, Mr. Monroe, the claim was allowed, at the session of 1824-5. Even this, however, was not sufficient to complete the buildings, as well as furnish the requisite books and apparatus; and at the succeeding session of the legislature, he attempted to get a further grant from the same fund, while yet its issue was uncertain, and he urged to Mr. Cabell, "That the legislature will certainly owe to us the recovery of this money; for had they not given it, in some measure, the revered character of a donation for the promotion of learning, it would never have been paid. It is to be hoped, therefore, that the displeasure incurred by wringing it from them at the last session, will now give way to a contrary feeling, and even place us on a ground of some merit."

Mr. Cabell had given him encouraging hopes of success, and tells him that his handwriting and letters had great effect among the members of the legislature, and urges him to write to some of the members on the subject. He seems to question the fact, and remarks, "When I retired from the administration of public affairs, I thought I saw some evidence that I retired with a good degree of public favour, and that my conduct in office had been considered, by the one party, at least, with approbation, and with acquiescence by the other. But the attempt in which I have embarked so earnestly, to procure an improvement in the moral condition of my native state, although, perhaps, in other states it may have strengthened

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good dispositions, it has assuredly weakened them within our own. The attempt ran foul of so many local interests, of so many personal views, and so much ignorance, and I have been considered as so particularly its promoter, that I see evidently a great change of sentiment towards myself. I cannot doubt its having dissatisfied with myself a respectable minority, if not a majority of the House of Delegates. I feel it deeply and very discouragingly. Yet I shall not give way. I have ever found in my progress through life, that, acting for the public, if we do always what is right, the approbation denied in the beginning will surely follow us in the end. It is from posterity we are to expect remuneration for the sacrifices we are making for their service, of time, quiet, and good will, and I fear not the appeal. The multitude of fine young men whom we shall redeem from ignorance, and who will feel that they owe to us the elevation of mind, of character, and station they will be able to obtain from the result of our efforts, will insure their remembering us with gratitude, we will not then 'be weary in well doing.' *Usque ad aras, amicus tuus.*"

In getting the university into operation, he seemed to have regained the activity and assiduity of his youth. Every thing was looked into, every thing was ordered by him. He suggested the remedy for every difficulty, and made the selection in every choice of expedients. Two or three times a week he rode down to the establishment to give orders to the proctor, and to watch the progress of the work still unfinished. Nor were his old habits of hospitality forgotten. His invitations to the professors and their families were frequent, and every Sunday some four or five of the students dined with him. At these times he generally ate by himself in a small recess connected with the dining room; but, saving at meals, sat and conversed with the company as usual. The number of visitors also to the University was very great, and they seldom failed to call at Monticello, where they often passed the day, and sometimes several days. He was so fully occupied with his duties, as rector of the university, and he found so much pleasure in the occupation, that for a time every cause of care and anxiety, of which

he now began to have an increased share, were entirely forgotten; and the sun of his life seemed to be setting with a soft but unclouded radiance.

It was in one of these moods when, at peace with the world, he wrote a letter to his namesake, Thomas Jefferson Smith of Washington, at the instance of his father, who requested him to address something to his son which might have a salutary influence on his future life, when he could understand it. More solid advice was never conveyed in so small a compass, and no one could have a better chance for respectability or happiness who would faithfully observe these precepts. Those which respect his religious and moral character are six. 1. Adore God. 2. Reverence and cherish your parents. 3. Love your neighbour as yourself, your country more than yourself. 4. Be just. 5. Be true. 6. Murmur not at the ways of Providence.

He also gives him ten canons for the regulation of his practical life. They were—1. Never put off till to-morrow what you can do to-day. 2. Never trouble another for what you can do yourself. 3. Never spend your money before you have it. 4. Never buy what you do not want, because it is cheap; it will be dear to you. 5. Pride costs us more than hunger, thirst, and cold. 6. We never repent of having eaten too little. 7. Nothing is troublesome that we do willingly. 8. How much pain have cost us the evils which have never happened. 9. Take things by the smooth handle. 10. When angry, count ten before you speak; if very angry, a hundred.

He also cited to him for his imitation, the translation of one of the psalms, beginning, "Lord who's the happy man; which he calls "the portrait of a good man by the most sublime of poets."

His health began now to be seriously impaired. An affection of the bladder had for some time given him uneasiness, and of late the symptoms were so aggravated as to call for medical aid. On these occasions Dr. Dunlison of the university was always his physician. He bore his sufferings with exemplary patience, and except in the paroxysms of his pain, had his wonted equanimity and good humour. The disease had returned with

more than usual severity in August, when he received another visit from General La Fayette, then about to leave the United States for France. The general found him on a couch in the drawing-room, evidently altered since he saw him the year before, and then suffering acute pain. He manifested a good deal of solicitude for his friend, had conferences with Dr. Dunglison, and having learnt that certain preparations, useful in his disease, could be obtained better in Paris than elsewhere, he remembered the fact, and as soon as he returned, sent a supply which would have been sufficient for twenty patients.

La Fayette again received a public dinner at the university, given, on this occasion, by the professors and students; and though Mr. Jefferson could not partake of the entertainment, it afforded him no small gratification.

In framing a system of laws for the government of the University, as well as for its course of instruction, Mr. Jefferson had had almost the sole agency; for though every thing was submitted to the approbation of the board of visitors, yet it was rarely that any of them dissented from him, and when it did happen, he was commonly supported by a majority. In the little code he prepared, he carried out even here, some of his political doctrines. Thus, believing that the authority of government is often needlessly exerted, and the restraints of law are too much multiplied, he allowed more latitude and indulgence to students than was usual. To prevent intrigues or contests for authority, and bickerings arising from its exertion, he limited the term of the presiding officer of the institution to only one year—to be held by each professor in rotation, merely allowing the members themselves to determine on the order—and he did not receive the ordinary designation of president, but of “chairman,” ‘by way of marking the limited and peculiar character of his functions.’ These liberal and indulgent views well accorded both with the temper of the professors, and their inexperience, and they undertook to conduct a body of youths, by appeals to their reason, their hopes, and to every generous feeling, rather than to the fear of punishment, or dread of disgrace.

The imperfection of this system was not long in manifesting itself. It was found that though those mild measures may do for many, perhaps the far greater number, it will not do for all: and where there is such a variety of tempers and dispositions, which have been so differently trained, and have acquired such different habits, and principles of action, the course that would be salutary with one will not be so with another, that under their strong impulses to fall into bad habits, and unconscious of the dominion of such habits, no mode of acting on them can be given up, but that while you may appeal to the generous feelings, and innate love of truth and right in some, you must appeal to the fears of others. If this is not done, the few who can only be kept in restraint by this curb, will be vicious and disorderly, and their example and impunity may draw many of the well disposed into the same vortex; and though they did not, they would be sufficient to disturb the tranquillity and order that are so essential in such a place, and destroy its good name.

The consequences of this error were serious, and well nigh proved destructive to the early prosperity of the institution. Nightly disorders were habitual with the students, until passing from step to step, they reached a point of riot and excess, to which the forbearance of the professors could no longer extend, when the students considered their rights violated, and openly resisted the authority of the faculty. This happened in October, immediately before the annual meeting of the visitors. The subject was laid before them by the faculty. More deep mortification, more poignant distress, could not be felt than was experienced by Mr. Jefferson. The following day he came down with the other visitors from Monticello, which was their headquarters, summoned the students into their presence, and they were addressed in short speeches by himself, Mr. Madison, and Mr. Chapman Johnson. The object of these addresses was not merely to produce in the young men a disposition to obey the laws and return to their studies, but to induce the principal rioters to give up their names. The address of these men—the two first venerable by their years, their services, and their authority—could not be resisted. The offenders came forward,

one by one, and confessed their agency. Among those who thus almost redeemed their past error, by this manly course, was one of his own nephews. The shock which Mr. Jefferson felt when he for the first time discovered that the efforts of the last ten years of his life had been foiled and put in jeopardy by one of his family, was more than his own patience could endure, and he could not forbear from using, for the first time, the language of indignation and reproach. Some of the offenders, among whom was his nephew, were expelled by the faculty; and others were more lightly punished. Their offensive memorial was withdrawn, the exercises of the university were resumed, and under a system liberal without being lax, a degree of order and regularity has been progressively increasing, and is supposed to be now nowhere exceeded.

During the presidential canvass of the year before, though Mr. Jefferson was understood to concur with Virginia in favour of Mr. Crawford, yet, when the contest was narrowed down to Mr. Adams and General Jackson, he seemed to have taken no part, and after it was decided in favour of Mr. Adams, to have acquiesced in silence if not with satisfaction, until the first communication from the new president to Congress. The doctrines which were then avowed in favour of the powers of Congress, especially on the debateable ground of the right to make national roads and canals, alarmed and roused the friends of state rights in Virginia. This accession of strength to an opposition, already considerable, afforded a ready pretext to others for flocking to its standard.

As Mr. Jefferson had always favoured a strict construction of the constitution, and pronounced this power not only unconstitutional, but, without new guards against abuses, highly dangerous and mischievous, he was one of the first to feel dissatisfaction at the claims of power then asserted for the general government by the president. With these feelings, he soon after the president's message in 1825, (December 24th,) wrote to Mr. Madison on the subject, which he thus introduces: "I have for some time considered the question of internal improvement as desperate. The torrent of general opinion sets so

strongly in favour of it, as to be irresistible. And I suppose that even the opposition in Congress will hereafter be feeble and formal, unless something can be done which may give a gleam of encouragement to our friends, or alarm their opponents in their fancied security. I learn from Richmond, that those who think with us there, are in a state of perfect dismay, not knowing what to do, or what to propose. Mr. Gordon, our representative, particularly, has written to me in very desponding terms, not disposed to yield indeed, but pressing for opinions and advice on the subject."

He presumes that Mr. Madison had received similar applications, and if he had recommended any particular course to consider that letter as *non avenue*. If, however, he had done nothing, he sends for his consideration the form of a "solemn Declaration and Protest," which he had prepared for the legislature of Virginia.

This document, with great simplicity and temper, recites the conditions on which the federal compact was formed, and the separate functions of the general and the state governments. It declares the power of making roads and canals not to have been given to Congress, and the exercise of it to be an usurpation. It further declares that the clause which authorizes Congress to lay and collect taxes, to pay the debts and provide for the general welfare, does not give them the power to do whatever they think will promote that welfare, but only so far as they can do so by the powers specifically delegated. It further declares that while the general assembly thus asserts the rights retained by the states, it does not raise the banner of disaffection or separation from the other states. That they better knew the value of the Union. If then a majority of the states acquiesce in these assumptions of power, that they too will be patient, under the confidence that time will produce a change of opinion.

They say that if it should be better for the whole, as some think, that the general government should possess the power in question, they will, from a desire of conciliation, consent to an amendment to the constitution for that purpose, provided it be guarded against abuses and corrupt compromises. And that, in

the meantime, they will, from the same motives of forbearance, make it the duty of the citizens to acquiesce, under acts which they regard as usurpations, until the legislature shall otherwise, and ultimately decide, and they therefore require all citizens of the commonwealth to give due obedience to the laws passed by Congress on the subject.*

He suggests to Mr. Madison that the olive branch held out to them at that moment might be accepted, and the constitution thus saved at a moderate sacrifice. Such a paper too might intimidate the wavering, might break the western coalition, by offering the same thing in another form. It would be viewed with favour, when contrasted with the Georgia opposition, and fear of strengthening them. It would be an example of a temperate mode of opposition in future and similar cases. It would delay the measure a year at least. It would give us the chance of better times, and of intervening accidents, and in no respects place us in a worse situation. The recommendation was, however, never adopted.

In compliance with a request from Mr. Giles, then Governor of Virginia, who was also much dissatisfied with the president's message to Congress, and was disposed to bring him into discredit with the people, Mr. Jefferson states from recollection the substance of an interview which Mr. Adams had with him, during the embargo, in which he urged the extreme discontent of the people of New England with that measure, and the determination of their leaders to make a partial arrangement with England, if it were continued, as a reason for its repeal. He says that Mr. Adams assured him the scheme might succeed, under the existing state of popular discontent, and that however reluctant he was to abandon the policy, he saw the necessity of abandoning it, and recommended the appeal to Congress, which accordingly took place.

On the following day Mr. Jefferson wrote to Mr. Giles another letter, in which he begins by saying that the letter of the day before Mr. Giles might make what use of he pleased, but the one

* See Appendix, E.

then sent "contained matters not intended for the public eye." He then proceeds to state his concurrence with Mr. Giles "on the rapid strides with which the federal government was advancing towards the usurpation of all the rights reserved to the states, and the consolidation in itself of all powers, foreign and domestic." He thinks that the decision of the federal court, the doctrines of the president, and the misconstructions acted on by the legislature, showed that the three branches were in combination to strip the state authorities of the powers reserved to them. And what, he asks, is the resource? not reason and argument. "You might as well reason with the marble columns encircling them. Not our representatives, for they are joined in the combination, some from incorrect views of the government, some from corrupt ones." And he asks, "Shall we then stand to our arms with the hot-headed Georgian? No. That must be the last resource. We must have patience; give them time for reflection; and separate only when there is no alternative left. Meanwhile we should be watchful; denounce every usurpation, and protest against it as an acknowledgment or precedent of right." He would even go further, and by an amendment, grant the power to make roads and canals, with sufficient guards against abuses.

Mr. Giles having asked Mr. Jefferson's opinion as to the propriety of giving publicity to what had passed between Mr. Adams and himself in 1808, concerning Mr. Adams's abandoning the federal party, and joining the republicans, Mr. Jefferson replies that it is "one of those questions which belong to the forum of feeling;" but he thinks the conversation did not seem to be of a confidential character; he seems to approve the publication as being "an historical fact which belonged to present as well as future times;" and he doubts whether any other single fact will carry as clear conviction to the world of "the treasonable views of the federal party of that day in attempting to dis sever the Union." He suggests that though the course of attack is now changed, the principles remain the same. "They now look to a single and splendid government of an aristocracy, founded on banks and other monied corporations, which would

■ be to them the next best blessing to the monarchy of their first
■ aim, and perhaps the surest stepping stone to it."

■ Notwithstanding the request not to publish the preceding
■ letter, because "it contained matters not intended for the
■ public eye," Mr. Giles, soon after Mr. Jefferson's death, did pub-
■ lish all those parts of it to which the prohibition particularly
■ extended; omitting, indeed, only the passage which contained
■ this request, and the concluding paragraph, which gave him
■ intelligence of the favourable progress of the university. But
■ Mr. Randolph, his executor and grandson, having mentioned to
■ some one the fact that another letter had been written to Mr.
■ Giles with a view to publication, whilst this was confidential,
■ some friend of Mr. Adams noticed the rumour, and inquired of
■ Mr. Randolph, through the newspapers, as to its truth, upon
■ which the whole facts came out. A strong party was already
■ against Mr. Adams in Virginia, on account of his recent doc-
■ trines about the powers of the general government, and Mr.
■ Giles, who was attached to that party, wished to use Mr. Jeffer-
■ son's letter, for the purpose of showing that Mr. Jefferson enter-
■ tained the same opinion of Mr. Adams's doctrines that he did,
■ and of course equally considered him unsafe as the chief magis-
■ trate of the nation; and Mr. Adams's friends, on the other hand,
■ wished the first letter published to prove Mr. Jefferson's sense
■ of Mr. Adams's past services, and to profit by his testimony,
■ deemed of so much weight with the nation, in favour of Mr.
■ Adams's integrity and patriotism. But while the publication of
■ the first was well fitted to produce this effect, and recommend
■ him to the party who had supported first the embargo, and
■ afterwards the war, it was calculated to do him serious injury
■ with the federalists in New England, most of whom though they
■ had not supported him in the first presidential election, were
■ inclined to prefer him to General Jackson. Its publication in
■ 1828 accordingly produced that effect. Mr. Adams endeav-
■ oured to avert or mitigate the resentment produced by the pub-
■ lication of this letter. He published a reply to it in the journals,
■ in which he points out some errors of fact, and unwarranted

inferences, which he imputes to the "waning memory," spoken of by Mr. Jefferson himself in his first letter to Mr. Giles.

On the 17th February, Mr. Jefferson addressed a long letter to Mr. Madison, in which he laments the failure of his application to the legislature for a further grant of money to the university, which he had confidently expected, after they had seen it in actual operation. The failure by so large a vote may in part be attributed to the indiscreet publication of a letter in the newspapers, in which the letter writer relates that on a visit to Monticello, Mr. Jefferson, in speaking of his successive applications to the legislature, in behalf of the university, professed to have imitated Commodore O'Bryan, who, having received the amount of his demand against the government, as was supposed, the following year brought forward another claim, and on some surprise being expressed, he asked Mr. Jefferson or Mr. Madison, if he had ever known a man to cram more than one hot potato at a time down his throat. The publication of this letter, which would have been very annoying to Mr. Jefferson at any time, was particularly so at this critical juncture, when he was asking a favour of them, not only for the university, but for himself.

The debts of Mr. Jefferson, which had been accumulating, probably, ever since he left the office of president, had now reached a point when it was indispensable that he should take some decisive step for their discharge. A minute history of his pecuniary difficulties, even if it could be given, would not be peculiarly interesting and instructive. Its causes may be found principally in the unproductiveness of landed estates worked by slaves, when left to the entire management of overseers and agents, and partly from one of those false estimates of income and expenditure, which are so common in slave-holding countries, where the short crops and low prices of the preceding year are imputed to accident, as well as a proportion of the current expenses of the same year. The amount of his debts was, however, considerably augmented by the insolvency of his friend Governor Nicholas, for whom he had become an indorser in one of the Richmond banks, to the amount of twenty thousand dollars, the whole of which was now added to his own burthens.

With his means thus diminished by the payment of interest, he was not able to practise a curtailment of expense. Monticello, which had always been the seat of hospitality, was now more resorted to than ever, in consequence of the visitants who were attracted to the university. There was seldom a week in which he did not invite some of the professors, with their families. Besides these, he had numerous visitors from different parts of the state, or from other states. Strangers of respectability, bringing letters to him from his numerous acquaintances in Europe and America, were continually calling on him, and he was not able to forego the long settled habit of asking them to sojourn with him, which they generally did, for a longer or shorter time, and now and then for weeks. His table, without being profuse, or luxurious, was expensive in a country having no regular market, but dependent upon the neighbourhood for its supplies.

Though Mr. Jefferson was as remarkable for the general urbanity of his manners, and his good temper, as for his hospitality, yet the frequency of the visits he received at length became such an annoyance, that he could not always conceal his impatience. On one occasion, when I was invited there to spend the day, two carriages, with ladies, drove up a little before sunset. One of the gentlemen escorting them, entered the eastern portico, in which Mr. Jefferson and his guests were sitting after dinner, and introducing himself, remarked that he had availed himself of a common privilege of calling upon him. Mr. Jefferson coldly replied that he did not know what privilege he alluded to. The visitor was manifestly embarrassed at this answer, and Mr. Jefferson showing no disposition to relieve him, or to encourage his probable purpose of visiting the interior of his mansion, he, after a short pause, withdrew in disappointment, and the carriages immediately descended the mountain. Yet, with a few such exceptions as these, no one discharged the offices of hospitality more cordially, or with a better grace; and when he was in good health and spirit, there was a suavity, and even elegance in his manners, that was irresistibly pleasing.

The extent of his pecuniary difficulties having become now but too manifest, and being thoroughly convinced of the hopelessness of all relief from the ordinary profits of his estate, he thought of the expedient of disposing of a part of his property by lottery, as had been frequently resorted to in Virginia, by others in similar situations. But since lotteries were prohibited by law, it was necessary to obtain the sanction of the legislature. With this view, he prepared a petition to that body, and anticipating the objection to any particular exemption from a course of general policy, he accompanied it with a short dissertation on lotteries. The authority was given, but as it met with considerable opposition, and some free comments were made on the application, his sensibility was severely wounded. He thus adverts to it in a letter to Mr. Madison, dated February 17, 1826: "You will have seen in the newspapers some proceedings in the legislature, which have cost me much mortification. My own debts had become considerable, but not beyond the effect of some lopping off of property, which would have been little felt, when our friend Nicholas gave me the *coup de grace*. Ever since that, I have been paying twelve hundred dollars a year interest on his debt, which, with my own, was absorbing so much of my annual income, as that the maintenance of my family was making deep and rapid inroads on my capital, and had already done it. Still, sales at a fair price, would leave me competently provided. Had crops and prices, for several years, been such as to maintain a steady competition of substantial bidders at market, all would have been safe. But the long succession of years of stunted crops, of reduced prices, the general prostration of the farming business, under levies for the support of manufacturers, &c., with the calamitous fluctuations of value in our paper medium, have kept agriculture in a state of abject depression, which has peopled the western states by silently breaking up those on the Atlantic, and glutted the land market, while it drew off its bidders. In such a state of things, property has lost its character of being a resource for debts. High land in Bedford, which, in the days of our plethory, sold readily for from fifty to one hun-

dred dollars the acre, (and such sales were many then,) would not now sell for more than from ten to twenty dollars, or one quarter or one fifth of its former price. Reflecting on these things, the practice occurred to me of selling, on fair valuation, and by way of lottery, often resorted to before the revolution, to effect large sales, and still in constant usage in every state, for individual as well as corporation purposes. If it is permitted in my case, my lands here alone, with the mills, &c., will pay every thing, and leave me Monticello and a farm free. If refused, I must sell every thing here, perhaps considerably in Bedford, move thither with my family, where I have not even a log hut to put my head into, and whether ground for burial, will depend on the depredations which, under the form of sales, shall have been committed on my property. The question then with me was, *ultrum horum?*”

He, in conclusion, makes the following pathetic appeal to this friend of many years. “But why afflict you with these details? Indeed, I cannot tell, unless pains are lessened by communication with a friend. The friendship which has subsisted between us, now half a century, and the harmony of our political principles and pursuits, have been sources of constant happiness to me through that long period. And if I remove beyond the reach of attentions to the university, or beyond the bourne of life itself, as I soon must, it is a comfort to leave that institution under your care, and an assurance that it will not be wanting. It has also been a great solace to me, to believe that you are engaged in vindicating to posterity the course we have pursued for preserving to them, in all their purity, the blessings of self-government, which we had assisted too, in acquiring for them. If ever the earth has beheld a system of administration conducted with a single and steadfast eye to the general interest and happiness of those committed to it, one which, protected by truth, can never know reproach, it is that to which our lives have been devoted. To myself you have been a pillar of support through life. Take care of me when dead, and be assured that I shall leave with you my last affections.”

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* See Appendix.

One of the benefits to which he looked forward from the university was, that it would be a school in which orthodox political principles would be taught; and he early proposed to the other visitors, that the text books on government, and constitutional law, should be prescribed to the professor of law. He had some time before mentioned the subject to Mr. Cabell, and he calls Mr. Madison's attention to it, in the letter of the 17th of February. "In the selection of our law professor, we must be rigorously attentive to his political principles. You will recollect, that before the revolution, Coke Littleton was the universal elementary book of law students, and a sounder whig never wrote, nor of profounder learning in the orthodox doctrines of the British constitution, or in what were called English liberties. You remember also, that our lawyers were then all whigs. But when his black letter text, and uncouth, but cunning learning got out of fashion, and the honied Mansfieldism of Blackstone became the students' horn-book, from that moment, that profession, (the nursery of our Congress) began to slide into toryism, and nearly all the young brood of lawyers now are of that line. They suppose themselves, indeed, to be whigs, because they no longer know what whigism or republicanism means. It is in our seminary that that vestal flame is to be kept alive; it is thence it is to spread anew over our own and the sister states. If we are true and vigilant in our trust, within a dozen or twenty years, a majority of our own legislature will have carried its doctrines home with them to their several states, and will have thus leavened the whole mass."

Mr. Jefferson received a letter from the president, inclosing a copy of his instructions to the minister sent to a proposed Congress of all the states of North and South America, to be held at Panama, for the purpose of settling some general principles of international law, and also for the prevention of European interference. He, at the same time, makes inquiry concerning the peculiar stipulations which our ministers abroad had been instructed to press in such treaties as they should make. Mr. Jefferson in reply informs Mr. Adams of the origin of those principles, and states, that although he was the draughtsman of the instructions,

those particular provisions respecting privateering, blockades, contraband, and freedom of the fisheries, were not original conceptions of his. They had been previously suggested by Dr. Franklin, in some letter of his to Congress, and Mr. Jefferson happened only to have been the asserter of them in the first public act.

After noticing their failure to make treaties, except with Frederick of Prussia, and with Portugal, which was not ratified, he justly adds: "Had these governments been then apprized of the station we should so soon occupy among nations, all, I believe, would have met us promptly and with frankness. These principles would then have been established with all, and from being the conventional law with us alone, would have slid into their engagements with one another, and became general. These are facts within my recollection, they have not yet gotten into written history; but their adoption by our southern brethren will bring them into observance, and make them, what they should be, a part of the law of the world, and of the reformation of principles for which they will be indebted to us."

In his remarks on lotteries, which were written for the purpose not of being published, but of being communicated by some of his friends to the members of the legislature, he aims to show that they are not inherently immoral, since all human pursuits are of the same gambling character; that some institutions of this kind are useful; and that from these considerations they have been sometimes forbidden and sometimes permitted, according to circumstances. He enumerates many cases in which they have been permitted in Virginia, for various useful public purposes. He then states his peculiar justification, as well as his claims to the indulgence of the state, by a detail of his various public services during a term of sixty-one years.*

After some scruples among the members of the legislature, partly affected and arising from concealed ill-will or party zeal, and in part honestly felt by some of the warm friends of Mr. Jefferson, who deeply lamented the necessity for the applica-

* See Appendix.

tion, an act allowing him to dispose of his lands by lottery passed the legislature of Virginia, by the provisions of which, five commissioners, named in the bill, and supposed to be at once friendly to him, and competent judges of the value of property, were appointed to value those lands which he should prefer to submit to them; and the scheme of the lottery was to be adapted to such valuation. The duty assigned to the commissioners was punctually executed.

As soon as Mr. Jefferson's memorial to the legislature informed the public of his embarrassments, the liveliest sympathy, heightened by surprise, was manifested throughout the Union, and no where less than in Virginia. Various plans were suggested in the journals for his relief, and liberal minded individuals, of their own accord, held public meetings for the purpose of raising money for that object by voluntary contribution. After the passage of the law authorizing the lottery, his grandson, Mr. Randolph, attempted to dispose of the privilege to some of the lottery brokers in the northern cities; and this course might then have been as practicable as it certainly would have been efficient. It was, however, thought more consistent with the national gratitude to relieve Mr. Jefferson from his difficulties without depriving him of his patrimony, and that mansion which owed to him its celebrity, and was associated with his name. In pursuance of these views, further proceedings on the lottery were suspended; and a subscription having been set on foot in the city of New York, under the auspices of Philip Hone, Esq. then mayor of the city, 8500 dollars were promptly raised without difficulty. From this experiment, his friends there, estimating the liberality of others by their own, and making no allowance for the deadening effect of time on our sympathies, confidently inferred that the requisite sum could be easily raised in this way.* The sum of 5000 dollars was subscribed in Philadelphia, 3000 dollars in Baltimore, and smaller sums in other places, making in all

* Supposing 100,000 dollars the sum required for Mr. Jefferson's relief, then the quota of New York would be about 2000 dollars, so that if other parts of the Union had contributed in a proportion less than one-fourth as much as that city, it would have been sufficient.

about 17 or 18,000 dollars, while his debts were about five times that amount. This miscalculation, though one indeed which less generous and disinterested feelings would have escaped, was unfortunate; for there is every reason to believe that if the tickets of the lottery had been thrown into the market, when the public sympathy was at its height, they all might have been sold. But this measure being delayed, from the cause already stated, until after his death, when the public feeling had greatly subsided, and when the aid which many were ready to give to the venerable patriot, they were not willing to extend to his family, it was found impracticable to dispose of them; and the project, after occasioning much trouble and expense, was completely abandoned.

A short time before his death, Mr. Jefferson received a visit from Mr. Browere, an artist of New York, for the purpose of taking a cast of his features in plaister; but either from his being less careful than usual, or from Mr. Jefferson's extreme weakness, he narrowly escaped suffocation. His suffering was so great, that his signs of distress brought the family to his relief, and Mr. Browere was compelled to relieve the patient by breaking off his cast. The fragments were, however, carefully collected and borne off by the artist; and with these he is able to exhibit a more perfect likeness of Mr. Jefferson than is to be found elsewhere.

Mr. Jefferson, with the two other surviving signers of the declaration of independence, having been invited by the mayor of Washington, General Weightman, to celebrate the fiftieth anniversary of that event, he, on the 24th of June, wrote what was probably his last letter. He declines the invitation on the ground of indisposition, and says, "I should, with peculiar delight, have met and exchanged these congratulations personally with the small band, the remnant of that host of worthies, who joined with us on that day, in the bold and doubtful selection we were to make for our country, between submission or the sword; and to have enjoyed with them the consolatory fact, that our fellow-citizens, after half a century of experience and

prosperity, continue to approve the choice we made. May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of free government. That form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favoured few booted and spurred, ready to ride them legitimately, by the grace of God. There are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them."

He concludes with a complimentary notice to his former neighbours of the city of Washington, with whom he had passed so many years of pleasing social intercourse.

The indisposition of which he speaks in the preceding letter, was that which terminated his earthly existence. He had a few days before, been seized with a dysentery then prevalent in that district of country, and had intimated a wish to see Dr. Dunglison; but Moore's creek, which is forded in passing from the university to Monticello, being rendered impassable by heavy rains, his visit was delayed a day or two. On the 24th, the day that the letter to General Weightman was written, the writer of these pages accompanied Dr. Dunglison to Monticello; and when he entered the drawing-room from his bed chamber, his tottering gait and altered appearance shewed us that the attack had been a serious one. We remained but a short time, and Dr. Dunglison, in returning, intimated his opinion that the attack would prove fatal. He continued to decline, and on the first or second day of July, it was manifest to himself, as well as those around him, that he could not survive. He talked freely and calmly of his approaching end, and communicated with his grandson, concerning his affairs, with great clearness of mind

and self-possession. He still manifested his usual interest in the university, knowing its dependence on the legislature, and more than once remarked, that he felt confident, after they had gone so far, and done so much for it, they would not now abandon it. He, at the same time, expressed his belief in Mr. Madison's efforts in its behalf.

However his thoughts were occupied in his last illness, it does not appear that his conversation turned at all upon religion. He had long formed his creed, after much inquiry and reflection; in forming it his opinions had not been inflamed by controversy; and whether right or otherwise, it was too well settled to give him anxiety then. He not only showed no wish to commune with others on the subject of religion, but was evidently unwilling, as he generally had been, to converse on the topic to any but his most intimate friends; and this feeling is manifested by the following anecdote, for the truth of which I can vouch. During his last illness, the arrival of some visiter was announced, whose name reached him indistinctly, and he thought it was Mr. Hatch, an Episcopal clergyman, of Charlottesville, who had called to make him a visit: "Is that Mr. Hatch," he said, "he is a very good man, and I am glad to see him as a neighbour, but" —, and here he stopped either from weakness, or unwillingness to be more explicit. The impression upon the by-standers was, that he did not wish to avail himself of Mr. Hatch's clerical functions.

On the 3d of July, his strength was exhausted, and he lay in an apparent stupor; occasionally uttering a few words. In the course of the night he asked the hour, and on being told it was one o'clock, expressed some signs of satisfaction, showing that he wished his life to be prolonged to the anniversary of that day which, for fifty years, had been in his eyes the most memorable in the calendar, and which was closely and permanently associated with his name. Life, like a flickering taper, was prolonged according to his wishes, and sent forth its last feeble spark amidst the joyous exultations of millions unconscious of the fate of two of their oldest and truest benefactors; for the same singular and happy death awaited his venerable friend,

John Adams, who, like him, had been one of the committee appointed to prepare the manifesto of the nation, and who had, like him, been by the free suffrages of his countrymen, rewarded with the highest office in their gift.

While the news ran through one half the United States that the author of the Declaration of Independence had died on the 4th of July, the other received the intelligence that Mr. Adams, one of the committee which reported it, had died on the same day; and if these facts, singly, excited the liveliest interest, that interest increased to wonder and astonishment when the death of both was made known. The veneration and respect which their revolutionary services, the high stations they had occupied, and their public virtues would at any time have excited, was also greatly heightened by these strange coincidences, which, so much out of the range of probability, seemed to indicate the immediate agency of heaven. Public meetings were immediately called in all the cities to do honour to their memories, and some of the most accomplished orators and writers of the nation,* were called upon to deliver public addresses on the occasion. The collisions of one portion of their life were forgotten, party strife for a moment was suspended, and men looked upon them only as bold and enlightened patriots, who saw the interests and the glory of their country sometimes in different aspects, sometimes the same, but who honestly and ardently devoted themselves, body and mind, to the furtherance of those interests and the advancement of that glory.

Mr. Jefferson's funeral was modest and unpretending as he had directed. It took place on the afternoon of the 5th. The day was rainy, and many from distant parts of the country, who might have been disposed to pay this last tribute of respect, were thereby prevented. The number, however, who did attend, was considerable. His body was deposited in a small burying place on the side of the mountain, near the road which

* Among them we may mention Mr. Webster and Mr. Everett, of Massachusetts, Mr. Sprague of Maine, Mr. Biddle of Pennsylvania, Mr. Wirt of Maryland, Mr. Samuel Harrison Smith of Washington, and Mr. Tyler of Virginia.

winds round it to Monticello. It has a slight inclosure, and is surrounded by the native wood. In it lie the remains of other members of the family, some two or three of whom have tablets of marble. On his own grave his executor has erected a granite obelisk, eight feet high, and on a piece of marble inserted on its southern face are inscribed the three acts for which he thought he best deserved to be remembered by posterity. This inscription was found among his papers after his death, in his own hand-writing, and is in these words:

HERE LIES BURIED

THOMAS JEFFERSON,

AUTHOR OF THE DECLARATION OF AMERICAN INDEPENDENCE,

OF THE STATUTE OF VIRGINIA FOR RELIGIOUS FREEDOM,

AND FATHER OF THE UNIVERSITY OF VIRGINIA.

CHAPTER XXII.

Failure of the Lottery. Liberality of South Carolina and Louisiana. Mr. Jefferson's will—property and debts. His descendants. His character.

1826.

THE subscription, which had been begun with so much liberality in New York, cheered the last moments of Mr. Jefferson's existence, not merely as promising relief for his difficulties without compelling him to part with his home, which he had been sixty years in improving and embellishing, but as indicating the kindly sentiments felt for him by his fellow citizens, even in distant parts of the Union. He happily did not live to see, as he certainly would have seen, that this gleam of sunshine was as transient as it was cheering. Even before his death there were strong symptoms that this mode of relieving his estate would not prove effectual, and after his death the fountain seemed to be dried up altogether. The lottery was then relied on, and the executor, not able to make sale of the whole scheme to some who would at first have purchased it, in consequence of certain prohibitory laws passed in the interval, attempted himself to dispose of the tickets through agents. But as the scheme held out smaller chances of profit than other lotteries, its prizes being land valued at a high price instead of money, no tickets were purchased except by those who felt anxious to befriend the family. A small proportion of the whole number being thus sold, this plan of relief was also abandoned, and the executor was fain to resort to his only reliance, the lands, slaves, and other property of his testator. The whole was accordingly offered for sale in the succeeding January. All his personal estate, both at Monticello and Poplar Forest, except the slaves who

were set free by his will, was accordingly sold at auction, and all his real estate,* except a part of the lands of Poplar Forest. But it is understood that the property sold and unsold will be not more than sufficient to pay his debts.

In his will† he devised all his property to his daughter, Mrs. Randolph, after the payment of his debts, saving two or three specific legacies. The slaves, who had attended on him in person, or had extraordinary merit, he emancipated. He left to his grandson and executor all his papers, and to the University all his books and maps, except those of which it already had copies, and his marble bust by Ceracchi. The books, thus excepted, he directed to be divided between Joseph Coolidge, Jr. of Boston, and Nicholas P. Trist, now consul at Cuba. These gentlemen had married two of his granddaughters. The last bequests never took effect. His books, amounting to about one thousand volumes, were sold at auction in Washington, and his marble bust was purchased by Congress.

One cause of the lukewarmness or indifference, first shewn by the public to aid in relieving the family, was its incredulity as to the amount of his debts, and its belief that his property, which was known to be large, would, after their discharge, afford an ample provision for his daughter. As soon, however, as it was ascertained, that his whole estate would be absorbed in the payment of his debts, strong symptoms of public sympathy were manifested throughout the Union; but in two states, to their lasting honour, it alone produced solid fruits. The legislatures of South Carolina and Louisiana, unwilling, that the only daughter of one who had been so signal a public benefactor, should be consigned to indigence, generously bestowed on that daughter 10,000 dollars each, in six per cent. stocks, created for the purpose; and, as they were redeemable at distant days, they were sold for a price considerably above par, and thus secured her against want, by the sum of about 24,000 dollars.

The descendants of Mr. Jefferson, living at his death, were:

* Monticello, which is inseparably connected with the name of Thomas Jefferson, has twice changed hands since his death. The mansion and two hundred acres of the original tract are now the property of Lieutenant Levy of the navy.

† See Appendix, F.

I. One daughter—Martha Wayles Randolph, widow of the late Governor Randolph.

II. Eleven grandchildren, to wit:

1. Thomas Jefferson Randolph.
2. Ellen Coolidge, wife of Joseph Coolidge of Boston.
3. Virginia Trist, wife of Nicholas P. Trist, consul at Havana.
4. Cornelia Randolph.
5. Mary Randolph.
6. James Madison Randolph, since deceased.
7. Benjamin Franklin Randolph, a physician in Albemarle.
8. Meriwether Lewis Randolph, residing in Arkansas.
9. Septimia Randolph.
10. George Wythe Randolph, midshipman in the navy.
11. Francis Eppes, the only grandchild by his daughter Maria Eppes.

III. Fourteen great-grandchildren, to wit:

The children of Thomas Jefferson Randolph—six.

The children of Ann Bankhead, deceased, the eldest daughter of Mrs. Randolph—four.

A daughter of Mrs. Coolidge.

The children of Francis Eppes—two.

A daughter of Mrs. Trist.

Since Mr. Jefferson's death time has made its usual changes, both by deaths and births, and the number of his descendants now exceeds forty, among whom are several of the fifth generation.

It is from the acts and opinions recorded in the preceding pages that Mr. Jefferson's moral and intellectual character must be drawn; and while they furnish a stock of materials as ample and authentic as a biographer ever possessed, the author is aware that he views them from too near a point to see them all in their proper lights and just proportions. It is, therefore, not without some misgivings of his competency that he presents the following portrait.

Of Mr. Jefferson's moral qualities, the most distinguished were suavity of temper, and a warmth of benevolence, which, beginning in the domestic affections, exhibited itself in a fervent

love of country, and a wide spread philanthropy. Few men ever devoted so much of their time, and thoughts, and money to the concerns of others. A disposition thus generous and affectionate was sure to meet with its appropriate reward; and it would be difficult to name one who was more beloved as a parent, relative, friend, or master.

Whilst his character was so conspicuously adorned by these amiable qualities, it was also strengthened and supported by the severer virtues. He was just and honourable in his private dealings, of scrupulous veracity, and inflexibly firm, whenever he was called upon to perform a painful duty. However impelled by his feelings to grant favours to an applicant, he could frankly and firmly say no, whenever principle clearly required it. He was often charged with being deficient in personal courage, on no other ground than that he left Richmond during Arnold's incursion, and Monticello during Tarleton's. Yet, unprovided, as he was, with all means of defence, the charge is preposterous. It is testified by persons yet living, that on these occasions, he showed cool self-possession, and thus gave all the proof of courage that circumstances permitted. The ordinary occasions of danger he met with the firmness of a constant mind; and he once afforded a proof which men in general consider as yet more satisfactory. Among his political assailants in Albemarle, was one whom he thought to have so far transcended the just limits of party warfare, that he had determined to challenge him, and would have done so, if the friend he consulted had seconded his purpose. But more conclusive evidence of his fortitude may be found in the general tenor of his conduct through life—in his being among the foremost to resist the authority of Great Britain, when resistance might incur the penalties of treason; in the manner in which he met his accusers in the legislature; in his unyielding adherence to the principles of his party, and his open avowal of them, notwithstanding a course of malicious defamation that has rarely found a parallel; in his retaining Freneau, whose services he thought important to the cause of republicanism, although he had reason to know that his dismissal was wished by General Washington; in his unflinching opposition to the leading measures of Washington's

administration; in his perseverance in the embargo policy, after its repeal was urged by friends as well as adversaries; in his carrying out his principles into practice as to removals from office, and not passing beyond them. All these acts, and many more, afford better evidence of the firm texture of his mind, and are proofs of a courage of a higher order than it can often fall to the lot of the mere soldier to exhibit. He has also been accused of an undue thirst of popularity. It is true, that beyond most men, he prized it for its own sake, yet he never rendered homage to it at the expense of truth or justice, or national policy. No candidate for public favour ever so braved popular feeling as did Mr. Jefferson, in his opinions on domestic slavery, or when he invited Paine to America. But his moral character, as a whole, may be inferred from the unquestioned fact that every one with whom he had ever been in the habits of domestic or familiar intercourse, whether as a friend, physician, fellow-labourer, or secretary, and who best knew him, felt for him the liveliest attachment, and the highest esteem and confidence.*

He was by temperament habitually cheerful and sanguine. He felt misfortune acutely, but his mind, by its native elasticity, soon regained its spring; and though experience had its usual effect in moderating the ardour and extent of his hopes, he was still fascinated by her more temperate illusions. It was this feature of his character which, more than all his success in life, made him, on the whole, one of the happiest of men.

Though never captious or petulant, he was sufficiently prone to resentment for intended injury; but even then, he was neither violent nor implacable. His ill will was more frequently and more earnestly excited in behalf of his country or his party than of himself; and this was no less the case after he was withdrawn from the theatre of public affairs, than when he was the leader

* We may take for example, Mr. Short, who was Mr. Jefferson's secretary, in France, and the four gentlemen who were successively his private secretaries, while he was president. These were, Meriwether Lewis, who traversed the continent to the Pacific, Lewis Harvie, whose fine genius and lofty spirit were destined to take a high rank in his country, if they had not found a premature grave; William A. Burwell, long a most respected member of the Virginia delegation, and Colonel Isaac A. Coles, of Albemarle, who is yet living.

of that party and a candidate for the presidency. He always numbered some of the federalists among his personal friends, and he continued his kind feelings towards Mr. Adams as long as the other would permit. He never failed to do justice to the purity and integrity of General Washington, in the most angry period of party excitement, when some, who afterwards became his eulogists, openly reviled him. Nor was he slow to acknowledge the virtues and talents of Alexander Hamilton. He had a bust of that eminent man in the entrance hall of his house, opposite to his own by Ceracchi, and when any reference to it was made by his guests, he has remarked that they were "opposed in death as in life," in a tone and manner that showed that no vestige of ill feeling was left on his mind.

If we estimate his intellect by its great results rather than by its particular efforts, we must place it in the highest rank. He was able to keep together, to animate, and guide the republican party, from the time that he became secretary of state in 1790, to 1809, when he retired to private life; during the whole of which period he had undisputed precedence in the love, esteem, and deference of that party, and in the hatred of their opponents. In effecting a revolution of parties, he had to contend against no ordinary men; and if he was aided by fortuitous circumstances, especially by the French revolution, it was only a master spirit that could have so profited by them.

Of the peculiar character of his mind it may be said that it was, perhaps, yet more distinguished for justness than quickness; for comprehension than invention; and though not wanting in originality, still more remarkable for boldness. Over that field of political speculation to which his mind was habitually turned, he seems to have been the most far-sighted of his countrymen in his estimate of the practicability of popular government; and the civilized world is every day approximating to opinions which he had deliberately formed fifty years ago. He was thus subjected to the reproach of being visionary from many of his countrymen, because he had the sagacity to see farther than their obtuser vision could reach; and while Mr. Hamilton, Mr. Adams, Mr. Jay, and the politicians of that school

drew their fundamental principles of government from examples afforded by the history of Great Britain and other European nations, he saw that these principles must change, because time was washing away the foundations on which they rested. They looked to the accidents of history, and assumed that the future would be like the past: he to the principles of human action, modified as they are by the progressive changes of civil society. But he looked to the changing character of the soil itself. He saw too, more distinctly than any of his contemporaries, the effects of the rapidly increasing population of these states. He anticipated the melancholy destiny of the Indian race, and cherished the only system which could have averted it, consistently with the safety and honour of the whites. His views of the future difficulties arising from domestic slavery, are yet in a state of probation, and are to be verified or contradicted by time. But on all these great questions there are more and more converts to his opinions, among intelligent minds; and maxims which were once adopted by his adherents with the blind deference formerly paid to the *dicta* of Pythagoras, are now embraced by speculative minds as the discoveries of political sagacity, or the logical deductions of political wisdom.

His religious creed, as disclosed in his correspondence, cannot perhaps be classed with that of any particular sect, but was nearer the Socinian than any other. In the last years of his life, when questioned by any of his friends on this subject, he used to say he was "an Unitarian."

Mr. Jefferson's acquirements were extensive, and generally accurate. There was no branch of human knowledge in which he had not made more or less proficiency. Mathematics, astronomy, physics—in all its departments, law—municipal and national, language, philosophy, history, all the liberal, and most of the mechanical arts. His knowledge of architecture extended to its minutest details. In such a multiplicity of subjects, his acquaintance with some was of course slight, especially with chemistry and metaphysics. But his knowledge of mankind—of the diversities of human character, and the motives of human action—was consummate. He made a just estimate of every

man, whether a friend or foe, whom he judged worthy of serious attention. He was indeed often deceived in his stewards and overseers; but that was partly because, beyond the reach of his supervision, they yielded to the temptations of negligence, and waste, or fraud; and partly because he was all his life too much engrossed by the public affairs to give due attention to his own. When acting for the public, no one ever made choice of fitter agents.

As an author, he has left no memorial that is worthy of his genius; for the public papers drawn by him are admired rather for the patriotic spirit which dictated them than for the intellectual power they exhibit. They presented no occasion for novelty of thought, or argument, or diction. His purpose was only to make a judicious and felicitous use of that which every body knew and would assent to; and this object he has eminently fulfilled. His "Notes on Virginia," though stamped with his characteristic independence of mind, are rather remarkable for the extent of his statistical knowledge, in a country and at a period when knowledge of that kind was so difficult of attainment; and his "Manual" of parliamentary practice required nothing more than care and discrimination. His diplomatic correspondence throughout, shows that he possessed logical powers of the highest order; and his letters, especially those of his latter years, are written with great elegance and felicity. They have all the ease of Addison, with far greater precision. His style is always natural, flowing, and perspicuous; rarely imaginative, and never declamatory. It was occasionally marked by neologisms, where he thought there were no apt words already in use. It was neither diffuse nor concise, but more inclined to the former.

His tastes were those which commonly distinguish a lively sensibility. He delighted in music, painting, and sculpture, and was an enthusiast in architecture. Though temperate in the pleasures of the table, he had a high relish for them, and his discriminating palate soon learnt to appreciate the merits of French cookery. It was this supposed disloyalty of taste that Patrick Henry meant to reprove, when he said, "he had no notion

of a man's abjuring his native victuals." In early life he was fond of dress,* but in his latter years his appearance was rather plain than showy. He was always scrupulously attentive to cleanliness. His favourite exercise was riding, and his only game, chess. He had once been a good performer on the violin.

In person he was above six feet high, thin, and erect. His complexion was light, his eyes blue, his nose long, pointed, and slightly turned up. His hair, of which he had lost none, had been red, became gray, faintly tinged with its original hue. For some years before his death his hearing was somewhat impaired, but he retained his sight, as well as his teeth, to the last.

His manners were frank, mild, and courteous; occasionally, when he was particularly desirous of pleasing, graceful, and irresistibly engaging. His conversation was always cheerful, sometimes light and facetious, but seldom either impassioned or witty. From the profound respect with which he was usually listened to, he was occasionally abrupt and positive; but in thus speaking, as it were, *ex cathedra*, he was never betrayed into haughtiness or ill-humour.

As a practical statesman he was prompt, prudent, and judicious: in general, cautious and politic, but occasionally bold, where boldness was wise. In his first contest with the royalist party in the revolutionary times; in that which related to the church establishment, and other great innovations in the civil polity of Virginia, he was adventurous, firm, and uncompromising. But whether exhibiting courage or caution, his unfailing complacency of temper stood him in good stead, both with friend and adversary. No one better understood the management of a popular assembly than he did that of the House of Representatives, and he has been known, when he had a favourite measure to carry, to convey his opinion with so much

* Among other small themes of party wit, was Mr. Jefferson's taste in dress, and especially his supposed predilection for red breeches. This, indeed, was a part of his official dress when minister to France, at a time when such flaring colours were not proscribed by fashion; but I learn from one who ought to know, that his secretary of legation, Colonel Humphreys, who always loved show and parade, is entitled to the credit of devising this gay diplomatic costume.

address to those members who were likely to prove troublesome, that they have regarded it as a suggestion of their own. On one occasion, a member who had been thus unconsciously tutored, remarked, after having left the president, that he believed "he could make Mr. Jefferson adopt any opinion he pleased." He was diligent, punctual, and exact in all matters of business; never evading, neglecting, nor delaying his public duties, great or small; and he was so methodical, that at all times in his life, he could in a few minutes lay his hand on any paper he possessed. Knowing how general and sensitive was personal vanity, he was careful never to offend it. At his public dinners, if he had forgotten the name of any member present, he would, on a signal to his secretary, withdraw to an adjoining apartment for the purpose of ascertaining it. He succeeded in preserving more harmony in his cabinet than any other president has done before or since. The merits of his administration have been already fully mentioned. Its cardinal principles were economy, peace, simplicity, and a strict limitation to all the powers of the government, and no one could have carried them into effect with more fidelity, or greater success.

But it is on his merits as a lawgiver and political philosopher, that his claims to greatness chiefly rest: it is for these that he is to be praised or condemned by posterity; for, beyond all his contemporaries has he impressed his opinions of government on the minds of the great mass of his countrymen. He thought he saw the sources of misgovernment in the conflict of interests and of passions between the rulers and the people; and that the only effectual way of avoiding this conflict was, by placing the government in the hands of a majority of the nation. All his political schemes and institutions were framed with a view to this object. Such were his opposition to the funding system, to banks, to court ceremonies, to the Cincinnati, to the independence of the judiciary, to the county courts of Virginia. His zeal in behalf of a general system of popular instruction; of his ward system; of the extension of the right of suffrage, all aimed at the same object of placing the power of the state in the

hands of the greater number. It was these objects of his untiring zeal which won for him the title he most prized, "THE MAN OF THE PEOPLE." How future ages will regard this character it is perhaps not given to the present generation to anticipate; but from pregnant signs of the times, his friends have reason to believe that posterity is quite as likely to exceed as to fall short of their own veneration for the political character of THOMAS JEFFERSON.

APPENDIX.

(A, p. 79.)

The following extracts of letters from an actor in this interesting scene, briefly give its history and result. They are from John Randolph to his father-in-law, St. George Tucker.

*Chamber of the House of Representatives,
Wednesday, February 11th, 1801.*

Seven times we have ballotted—eight states for J.—six for B.—two, Maryland and Vermont, divided. Voted to postpone for an hour the process; now, half past four, resumed—result the same.

The order against adjourning, made with a view to Mr. Nicholson, who was ill, has not operated. He left his sick bed—came through a snow storm—brought his bed, and has prevented the vote of Maryland from being given to Burr. Mail closing.

Yours with perfect love and esteem,

J. R. JR.

Thursday morning, February 12th.

My Dear Sir,

We have just taken the nineteenth ballot. The result has invariably been eight states for J., six for B., two divided. We continue to ballot with the interval of an hour. The rule for making the sittings permanent seems now to be not so agreeable to our federal gentlemen. No election will, in my opinion, take place. By special permission the mail will remain open until four o'clock. I will not close this letter until three. If there be a change I shall notify it, if not, I shall add no more to the assurance of my entire affection.

JOHN RANDOLPH, JR.

*Chamber of the House of Representatives,
February 14th, 1801.*

After endeavouring to make the question before us depend upon physical construction, our opponents have begged for a dispensation from their own regulation, and without adjourning we have *postponed*, (like

able casuists) from *day to day*, the balloting. In half an hour we shall recommence the operation. The result is marked below.

We have ballotted thirty-one hours. Twelve o'clock, Saturday noon, eight for J., six for B., two divided. Again at one, not yet decided. Same result. Postponed till Monday twelve o'clock.

JOHN RANDOLPH, JR.

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*Chamber of the Representatives,
February 17th.*

On the thirty-sixth ballot, there appeared, this day, ten states for Thomas Jefferson—four (New England) for A. Burr, and two blank ballots, (Delaware and South Carolina.) This was the second time that we ballotted to-day.

The four Burr-ites of Maryland, put blanks into the box of that state. The vote was, therefore, unanimous. Mr. Morris, of Vermont, left his seat, and the result was, therefore, Jeffersonian. Adieu, Tuesday, two o'clock, P. M.

J. R. JR.

I need not add that Mr. J. was declared duly elected.

[B, p. 81.]

The following vindication of Mr. Jefferson for a note in his *ana* concerning the late Mr. Bayard of Delaware, is from the pen of Mr. Madison, and was first published in the National Gazette of February 5th, 1831.

From the National Gazette.

25th January, 1831.

Mr. Editor—The National Gazette of January 1st, contained a publication, edited since in pamphlet form, from two sons of the late Mr. Bayard; its object being to vindicate the memory of their father against certain passages in the writings of Mr. Jefferson.

The filial anxiety which prompted the publication was natural and highly commendable. But it is to be regretted, that in performing that duty, they have done great injustice to the memory of Mr. Jefferson, by the hasty and limited views taken of the evidence deducible from the sources to which they had appealed.

The first passage on which they found their charges is in the following words:

"*February 12, 1801.*—Edward Livingston tells me, that Bayard applied, to-day or last night, to General Smith, and represented to him the expediency of coming over to the states who vote for Burr, that there was nothing in the way of appointment which he might not command, and particularly mentioned the Secretaryship of the Navy. Smith asked him if he was authorized to make the offer. He said he was authorized.

Smith told this to Livingston, and to Wilson Carey Nicholas, who confirms it to me." [See Mr. Jefferson's Memoirs, Vol. IV. p. 515.]

From this statement it appears, that Mr. Jefferson was told by Mr. Livingston, that he had it from General Smith, that Mr. Bayard had applied to him [General Smith,] with an offer of a high appointment, if he would come over from the Jefferson party, and join that of the rival candidate for the presidency. It appears that this information of Mr. Livingston was confirmed to Mr. Jefferson by Mr. W. C. Nicholas, who also said he had it from General Smith. It appears that the communication thus made to Mr. Jefferson, was reduced by him to writing on the day on which it was made; and that the incident which was the subject of it, took place on the morning of the same day, or at furthest on the night before. It is found also, that what was in this case reduced to writing, made no part of what was first reduced to writing on the 15th of April, 1806, [see Vol. IV. p. 521] but that it was then expressly referred to, as having been reduced to writing at the time.

Opposed to this memorandum of Mr. Jefferson is first—the declaration of Mr. Livingston on the floor of the Senate of the United States, after a lapse of about twenty-nine years, "that as to the *precise question* put to him, [touching the application of Mr. Bayard to General Smith,] he must say that after having taxed his recollection, as far as it could go, on so remote a transaction, he had no remembrance of it;" implying that he might have had a conversation with Mr. Jefferson relating to the remote transaction, not within the scope of the precise question. Second—the declaration of General Smith in the same place, and after the same lapse of time, "that he had not the most distant recollection that Mr. Bayard had ever made such a proposition to him," adding, "that he never received from any man any such proposition."

On comparing these declarations, made after an interval of so many years, with the statement of Mr. Jefferson reduced to writing at the time, it is impossible to regard them as proof, that communications were not made to him by Mr. Livingston and Mr. W. C. Nicholas, which he [Mr. Jefferson,] understood to import, that Mr. Bayard had made to General Smith the application as stated. And if Mr. Jefferson was under that impression, however erroneous it might be, his subsequent opinion and language in reference to Mr. Bayard, are at once accounted for, without any resort to the imputations in the publication.

That there has been great error somewhere is apparent; that respect for the several parties requires it to be viewed as involuntary, must be admitted; that being involuntary, it must have proceeded from misapprehensions or failures of memory; that there having been no interval for the failure of the memory of Mr. Jefferson, the error, if with him, must be ascribed to misapprehension. The resulting question therefore is, between the probability of misapprehensions by Mr. Jefferson of the statements made to him at the time by Mr. Livingston and Mr. Nicholas, and the probability of misapprehensions or failures of memory in some one or

more of the other parties; and the decision of this question must be left to an unbiassed and intelligent public.

The other passage is at page 521, volume iv. of the Memoir, and is as follows, under date of April 15, 1806. Referring to a previous conversation with Colonel Burr, he says—

“I did not commit these things to writing at the time, but I do it now, because in a suit between him [Col. Burr] and Cheetham, he had a deposition of Mr. Bayard taken, which seems to have no relation to the suit, nor to any other object than to calumniate me. Bayard pretends to have addressed to me during the pending of the presidential election in February, 1801, through General Samuel Smith, certain conditions on which my election might be obtained, and that General Smith, after conversing with me, gave answers for me. This is absolutely false. No proposition of any kind was ever made to me on that occasion by General Smith, nor any answer authorized by me; and this fact General Smith affirms at this moment.”

The reply given to this memorandum by the authors of the publication is a reference to the depositions of Mr. Bayard and General Smith, in the cause of Gillespie and Smith.

It appears that Mr. Jefferson attending merely to the matter of Mr. Bayard's deposition, did not distinguish between the suit of Burr and Cheetham, and that of Gillespie and Smith; in the latter of which the deposition of General Smith as well as that of Mr. Bayard was taken.

The part of the deposition of Mr. Bayard referred to by Mr. Jefferson is as follows:—

“I [Mr. Bayard] told him [General Smith] I should not be satisfied, nor agree to yield, till I had the assurance from Mr. Jefferson himself; but that if he, General Smith, would consult Mr. Jefferson, and bring the assurance from him, the election should be ended. The general made no difficulty in consulting Mr. Jefferson; and proposed giving me his answer the next morning. The next day upon our meeting, General Smith informed me that he had seen Mr. Jefferson and stated to him the points mentioned; and *was authorized by him* to say that they corresponded with his *views and intentions*; and that we [Mr. B., &c.] *might confide in him accordingly*. The opposition of Vermont, &c. &c. was immediately withdrawn, and Mr. Jefferson was made president by the vote of ten states.”

Here it is explicitly stated, by the authority of General Smith, that an assurance in the nature of a pledge was *authorized by Mr. Jefferson* to be given to Mr. Bayard, that he [Mr. Jefferson] would conform *to the conditions* on which his election was to be obtained.

The terms used by Mr. Jefferson in denouncing the fact deposed by Mr. Bayard are accounted for, by the odious light in which it presented itself, by his consciousness that he had never authorized it, by the impressions unfavourable to Mr. Bayard which had been made upon him, by the information, *as he understood it*, given him by Mr. Livingston and Mr. Nicholas; and especially by the denial of the fact by General Smith at the moment.

Certain it is, that there is a direct contrariety between the deposition of Mr. Bayard, and the memorandum of Mr. Jefferson, involving a question between General Smith and Mr. Bayard on the one hand, and between Mr. Jefferson and General Smith on the other.

That Mr. Bayard *understood* General Smith to have borne an authorized pledge from Mr. Jefferson, is attested by the fact that he proceeded forthwith to execute the purpose of which such a pledge was the condition.

Passing to the deposition of General Smith, given twelve days after that of Mr. Bayard, and on the same day on which the memorandum of Mr. Jefferson is dated, let it be seen what light is furnished by that document.

The assertion of Mr. Jefferson in the memorandum is, that no proposition was ever made to him on that occasion by General Smith, nor any answer authorized by him; and *this fact* General Smith affirms *at this moment*.

In accordance with this assertion of Mr. Jefferson and confirmation by General Smith, is the passage in the deposition of General Smith which declares "that he knew of no bargains or agreements, which took place at the time of the balloting;" and the other passage which states "that he [Mr. Jefferson] had told me [General Smith] that any opinion he should give at this time might be attributed to improper motives. That *to me* [General Smith] he had no hesitation in saying that as to the public debt, &c. &c. he had not changed his opinion, &c. &c." This was so far from authorizing any use of what he said that might be attributed to improper motives, that it was expressed as between themselves, and consequently with a view to guard against any such use.

The passage in the deposition of General Smith on which particular reliance seems to be placed, as contradicting the statements of Mr. Jefferson, is the following:

"He [Mr. Bayard] then stated that he had it in his power (and was so disposed) to terminate the election, but he wished information as to Mr. Jefferson's opinions on certain subjects, and mentioned (I think) the same three points already alluded to, as asked by Col. Parker and General Drayton, [viz: respecting the navy, commerce, and public debt,] and received from me the same answer in substance (if not in words) that I had given to General Drayton. He added a fourth, to wit: What would be Mr. Jefferson's conduct as to the public officers? He said he did not mean confidential officers, but by way of elucidating his question, he added, such as Mr. Latimer of Philadelphia, and Mr. M'Lane of Delaware. I answered that I never had heard Mr. Jefferson say any thing on that subject. He requested that I would inquire, and inform him the next day. *I did so. And the next day (Saturday) told him that Mr. Jefferson had said that he did not think that such officers ought to be dismissed on political grounds only, except in cases where they had made improper use of their offices, to force the officers under them to vote contrary to their judgment. That as to Mr. M' Lane, he had already been spoken to in*

his behalf by Major Eccleston, and from the character given him by that gentleman, he considered him a meritorious officer; of course that he would not be displaced, or ought not to be displaced. I further added, that Mr. Bayard might rest assured (or words to that effect) that Mr. Jefferson would conduct as to those points, agreeably to the opinions I had stated as his. Mr. Bayard then said, we will give the vote on Monday, and we separated."

Here it is to be observed, that General Smith does not say that he had made any proposition to Mr. Jefferson, or that he should communicate to Mr. Bayard the conversation then held with Mr. Jefferson.

The expression having most the aspect of a pledge is, "he (Mr. Jefferson) considered him (Mr. M'Lane) a meritorious officer; *of course* that he *would not* be displaced, or *ought not* to be displaced, &c."

It cannot be denied that the phrase admits the construction that "*of course, &c.*" was a continuation of what was said by Mr. Jefferson, not the inference of General Smith. But to construe the expression as conveying a pledge from Mr. Jefferson is forbidden—1. By the declaration of General Smith in the same deposition, "that he (General Smith) knew of no bargains or agreements which took place at the time of the balloting;" 2. By the caution of Mr. Jefferson, as stated by General Smith, in expressing even his opinions at a time when they might be attributed to improper motives; 3. By the confirmation given by General Smith to Mr. Jefferson's denial of the fact, that any proposition of any kind was ever made to him on any occasion by General Smith, or any answer authorized by him (Mr. Jefferson).

It is true that Mr. Bayard, as already observed, must have understood General Smith in this conversation as meaning that he *was authorized* by Mr. Jefferson to say, "that the points mentioned (the conditions made by Mr. Bayard) corresponded with his (Mr. Jefferson's) *views and intentions.*" But whether this discrepancy is to be explained by misapprehensions at the time, or by the lapse of nearly five years, the explanation cannot invalidate the positive denial of Mr. Jefferson, that any such authority was given to General Smith, and his affirmance of the denial at the moment when it was put into the memorandum by Mr. Jefferson.

It can never be admitted that the authority of the deliberate statement of Mr. Jefferson is impaired by its being without the sanction of an oath. Apart from its intrinsic sufficiency, no one can doubt that such a sanction would readily have been added on any occasion calling for it; and with the greater confidence, as the fact sworn to would have been reduced to writing at the time—an advantage always duly estimated in cases depending on the accuracy of recollection.

The situation of Mr. Jefferson during the critical period of the presidential contest in the House of Representatives, was equally marked by its peculiarity and its importance. He saw the whole government in a state of convulsion; he saw the danger of an absolute interregnum in its executive branch, the consequences of which could not be foreseen; he saw what he regarded as the will of the people about to be trampled upon,

and the party whose ascendancy he believed to be of vital importance to the cause of republican government, attempted to be broken down: and he saw at the same time, no escape from all these dangers, but in pledges which might be stigmatized as an ambitious intrigue, and a purchase of success at the expense of those principles and feelings which he had avowed and held inviolable. Happily the course of circumstances fulfilled his patriotic wishes, without the sacrifice which the accomplishment of them had seemed to require.

The situation of Mr. Bayard was also peculiar and trying. He was justly struck with horror at the prospect of an interregnum in the government so full of evils, and so fatal in its example; and he was scarcely less alarmed at the danger which threatened what he held to be a vital policy of his country. But holding at the same time, in his hands, the event on which every thing depended, he availed himself of the opportunity of terminating the crisis in a manner which prevented the calamity which he most dreaded, and provided, as he believed, an adequate security against the other.

Before dismissing the subject, a word may be proper with respect to the charge in the publication against Mr. Jefferson, of leaving the memorandum referring to Mr. Bayard's deposition, for posthumous use, when the means of refuting it might be lost.

The suit of Gillespie and Smith, which led to the deposition of Mr. Bayard, is said to have been a fictitious one, instituted for the purpose of obtaining and perpetuating testimony against the purity of Mr. Jefferson's conduct during the presidential election in 1801. The cause, it is understood, was never brought to trial; and it is inferred from the resort to the source which furnished the copies of the depositions of Mr. Bayard and General Smith, that the depositions were never published. Of their existence, however, (and in a custody supposed by Mr. Jefferson to be unfriendly,) and of the passage in that of Mr. Bayard, testifying that he [Mr. Jefferson] had authorized General Smith to accede for him to certain conditions on which his election to the presidency might be obtained. Mr. Jefferson, it seems, was apprized from some friendly quarter. With this knowledge of a shaft that might posthumously inflict a deep wound on his reputation, could he do less than provide a shield against it, by recording with his own hand, the falsity of the charge, and the affirmance of its falsity at the moment of his doing so, by the individual named as the authority for the charge? What is now before the public proves that a weapon was in reserve, by which a posthumous assault on his reputation might be made. And if there be unfairness in the case, let candour pronounce on which side it is chargeable, on that of Mr. Jefferson, or that, not of the (doubtless involuntary) deponents, but of the parties to the suit which rendered the precaution necessary.

[C, p. 131.]

To Captain Meriwether Lewis:

Your situation has made you acquainted with the objects of my confi-

dential message of January 18, 1803, to the legislature; you have seen the act they passed, which, though expressed in general terms, was meant to sanction those objects, and you are appointed to carry them into execution.

Instruments for ascertaining, by celestial observations, the geography of the country through which you will pass, have been already provided. Light articles for barter and presents among the Indians, arms for your attendants, say from ten to twelve men, boats, tents, and other travelling apparatus, with ammunition, medicine, surgical instruments, and provisions, you will have prepared, with such aids as the secretary at war can yield in his department; and from him also you will receive authority to engage among our troops, by voluntary agreement, the number of attendants above mentioned; over whom you, as their commanding officer, are invested with all the powers the laws give in such a case.

As your movements, while within the limits of the United States, will be better directed by occasional communications, adapted to circumstances as they arise, they will not be noticed here. What follows will respect your proceedings after your departure from the United States.

Your mission has been communicated to the ministers here from France, Spain, and Great Britain, and through them to their governments; and such assurances given them as to its objects, as we trust will satisfy them. The country having been ceded by Spain to France, and possession by this time probably given, the passport you have from the minister of France, the representative of the present sovereign of the country, will be a protection against all its subjects; and that from the minister of England will entitle you to the friendly aid of any traders of that allegiance with whom you may happen to meet.

The object of your mission is to explore the Missouri river, and such principal streams of it, as, by its course and communication with the waters of the Pacific ocean, may offer the most direct and practicable water communication across this continent for the purposes of commerce.

Beginning at the mouth of the Missouri, you will take careful observations of latitude and longitude, at all remarkable points on the river, and especially at the mouths of rivers, at rapids, at islands, and other places and objects distinguished by such natural marks and characters as that they may with certainty be recognised hereafter. The courses of the river between these points of observation may be supplied by the compass, the log-line, and by time, corrected by the observations themselves. The variations of the compass, too, in different places, should be noticed.

"The interesting points of the portage between the heads of the Missouri and of the water offering the best communication with the Pacific ocean, should also be fixed by observation; and the course of that water to the ocean, in the same manner as that of the Missouri.

"Your observations are to be taken with great pains and accuracy; to be entered distinctly and intelligibly for others as well as yourself; to comprehend all the elements necessary, with the aid of the usual tables, to fix the latitude and longitude of the places at which they are taken;

and are to be rendered to the war-office, for the purpose of having the calculations made concurrently by proper persons within the United States. Several copies of these, as well as of your other notes, should be made at leisure times, and put into the care of the most trust-worthy of your attendants to guard, by multiplying them against the accidental losses to which they will be exposed. A further guard would be, that one or more of these copies be on the paper of the birch, as less liable to injury from damp than common paper.

The commerce which may be carried on with the people inhabiting the line you will pursue, renders a knowledge of those people important. You will therefore endeavour to make yourself acquainted, as far as a diligent pursuit of your journey shall admit, with the names of the nations and their numbers;

The extent and limits of their possessions;

Their relations with other tribes or nations;

Their language, traditions, monuments;

Their ordinary occupations in agriculture, fishing, hunting, war, arts, and the implements for these;

Their food, clothing, and domestic accommodations;

The diseases prevalent among them, and the remedies they use;

Moral and physical circumstances which distinguish them from the tribes we know;

Peculiarities in their laws, customs, and dispositions;

And articles of commerce they may need or furnish, and to what extent.

And, considering the interest which every nation has in extending and strengthening the authority of reason and justice among the people around them, it will be useful to acquire what knowledge you can of the state of morality, religion, and information among them; as it may better enable those who may endeavour to civilize and instruct them, to adapt their means to the existing notions and practices of those on whom they are to operate.

Other objects worthy of notice will be—

The soil and face of the country, its growth and vegetable productions, especially those not of the United States;

The animals of the country generally, and especially those not known, in the United States;

The remains and accounts of any which may be deemed rare or extinct;

The mineral productions of every kind, but more particularly metals, lime-stone, pit-coal, and saltpetre; salines and mineral waters, noting the temperature of the last, and such circumstances as may indicate their character;

Volcanic appearances;

Climate, as characterized by the thermometer, by the proportion of rainy, cloudy, and clear days; by lightning, hail, snow, ice; by the access and recess of frost; by the winds prevailing at different seasons; the dates

at which particular plants put forth, or lose their flower or leaf; times of appearance of particular birds, reptiles or insects.

Although your route will be along the bed of the Missouri, yet you will endeavour to inform yourself, by inquiry, of the character and extent of the country watered by its branches, and especially on its southern side. The North river, or Rio Bravo, which runs into the gulf of Mexico, and the North river, or Rio Colorado, which runs into the gulf of California, are understood to be the principal streams heading opposite to the waters of the Missouri, and running southwardly. Whether the dividing grounds between the Missouri and them are mountains or flat lands, what are their distance from the Missouri, the character of the intermediate country, and the people inhabiting it, are worthy of particular inquiry. The northern waters of the Missouri are less to be inquired after, because they have been ascertained to a considerable degree, and are still in a course of ascertainment by English traders and travellers; but if you can learn any thing certain of the most northern source of the Mississippi, and of its position relatively to the Lake of the Woods, it will be interesting to us.

In all your intercourse with the natives, treat them in the most friendly and conciliatory manner which their own conduct will admit; allay all jealousies as to the object of your journey; satisfy them of its innocence; make them acquainted with the position, extent, character, peaceable and commercial dispositions of the United States; of our wish to be neighbourly, friendly, and useful to them, and of our dispositions to a commercial intercourse with them; confer with them on the points most convenient as mutual emporiums, and the articles of most desirable interchange for them and us. If a few of their influential chiefs, within practicable distance, wish to visit us, arrange such a visit with them, and furnish them with authority to call on our officers on their entering the United States, to have them conveyed to this place at the public expense. If any of them should wish to have some of their young people brought up with us, and taught such arts as may be useful to them, we will receive, instruct, and take care of them. Carry with you some matter of the kine-pox; inform those of them with whom you may be of its efficacy as a preservative from the small-pox, and instruct and encourage them in the use of it. This may be especially done wherever you winter.

"As it is impossible for us to foresee in what manner you will be received by those people, whether with hospitality or hostility, so is it impossible to prescribe the exact degree of perseverance with which you are to pursue your journey. We value too much the lives of citizens to offer them to probable destruction. Your numbers will be sufficient to secure you against the unauthorized opposition of individuals, or of small parties; but if a superior force, authorized, or not authorized, by a nation, should be arrayed against your further passage, and inflexibly determined to arrest it, you must decline its further pursuit and return. In the loss of yourselves we should lose also the information you will have acquired. By returning safely with that, you may enable us to renew the essay

with better calculated means. To your own discretion, therefore, must be left the degree of danger you may risk, and the point at which you should decline, only saying, we wish you to err on the side of your safety, and to bring back your party safe, even if it be with less information.

Should you reach the Pacific ocean, endeavour to learn if there be any port within your reach frequented by the sea vessels of any nation, and to send two of your trusty people back by sea, in such way as they shall judge practicable, with a copy of your notes; and should you be of opinion that the return of your party by the way you went will be imminently dangerous, then ship the whole, and return by sea, by the way either of Cape Horn, or the Cape of Good Hope, as you shall be able. As you will be without money, clothes, or provisions, you must endeavour to use the credit of the United States to obtain them; for which purpose open letters of credit shall be furnished you, authorizing you to draw on the executive of the United States, or any of its officers, in any part of the world, on which draughts can be disposed of, and to apply with our recommendations to the consuls, agents, merchants, or citizens of any nation with which we have intercourse, assuring them, in our name, that any aids they may furnish you shall be honourably repaid, and on demand.

Should you find it safe to return by the way you go, after sending two of your party round by sea, or with your whole party, if no conveyance by sea can be found, do so; making such observations on your return as may serve to supply, correct, or confirm those made on your outward journey.

On re-entering the United States and reaching a place of safety, discharge any of your attendants who may desire and deserve it, procuring for them immediate payment of all arrears of pay and clothing which may have incurred since their departure, and assure them that they shall be recommended to the liberality of the legislature for the grant of a soldier's portion of land each, as proposed in my message to congress, and repair yourself, with your papers, to the seat of government, to which I have only to add my sincere prayers for your safe return.

[D.]

It may give some notion of the misrepresentations to which the opposition papers were then addicted, as well as the style in which they were conveyed, to cite the passage from the Boston Centinel, published soon after the sailing of the *Hornet*.

"It is to be hoped we shall hear no more of the Independence of the United States of America, after the prompt, disgraceful, and dastardly compliance of the majority of Congress with the demand of two millions of dollars made by Bonaparte, through the medium of his artillery officer, General Turreau, under the pretence of purchasing the Floridas! Yes, the word independence ought to be erased from our records, and the declaration thereof sent off with our *tribute money*—lest we become a by-word and a reproach among nations! Will the world believe that the emperor of the French has had the insolence to inform our government,

by a military nobleman, that, unless we sent him, to help and support the pomp and parade of his throne, two millions of dollars in specie, Spain should go to war with the United States respecting Louisiana, and that France, as her ally, would assist her in the war? Yet such is the fact. And more: such has been the trepidation with which the whiskers of this warrior minister have struck the administration of our government, that Congress has complied with the demand, and the *back stairs* parasites of the executive have been called upon to close the doors of Congress to vote this immense sum of money in secret divan, and send it off to France—not to Spain—with most infamous haste! *Tell it not in Europe! publish it not in the streets of America!*"

[E, p. 483.]

The solemn Declaration and Protest of the Commonwealth of Virginia, on the principles of the constitution of the United States of America, and on the violations of them.

We, the General Assembly of Virginia, on behalf, and in the name of the people thereof, do declare as follows.

The states in North America which confederated to establish their independence on the government of Great Britain, of which Virginia was one, became, on that acquisition, free and independent states, and as such, authorized to constitute governments, each for itself, in such form as it thought best.

They entered into a compact, (which is called the constitution of the United States of America,) by which they agreed to unite in a single government as to their relations with each other, and with foreign nations, and as to certain other articles particularly specified. They retained at the same time, each to itself, the other rights of independent government, comprehending mainly their domestic interests.

For the administration of their federal branch, they agreed to appoint, in conjunction, a distinct set of functionaries, legislative, executive, and judiciary, in the manner settled in that compact: while to each, severally, and of course, remained its original right of appointing, each for itself, a separate set of functionaries, legislative, executive, and judiciary, also, for administering the domestic branch of their respective governments.

These two sets of officers, each independent of the other, constitute thus a *whole* of government, for each state separately; the powers ascribed to the one, as specifically made federal, exercised over the whole, the residuary powers, retained to the other, exercisable exclusively over its particular state, foreign herein, each to the others, as they were before the original compact.

To this construction of government and distribution of its powers, the commonwealth of Virginia does religiously and affectionately adhere, opposing, with equal fidelity and firmness, the usurpation of either set of functionaries on the rightful powers of the other.

But the federal branch has assumed in some cases, and claimed in

others, a right of enlarging its own powers by constructions, inferences, and indefinite deductions from those directly given, which this assembly does declare to be usurpations of the powers retained to the independent branches, mere interpolations into the compact, and direct infractions of it.

They claim, for example, and have commenced the exercise of a right to construct roads, open canals, and effect other internal improvements within the territories and jurisdictions exclusively belonging to the several states, which this assembly does declare has not been given to that branch by the constitutional compact, but remains to each state among its domestic and unalienated powers, exercisable within itself and by its domestic authorities alone.

This assembly does further disavow and declare to be most false and unfounded, the doctrine that the compact, in authorizing its federal branch to lay and collect taxes, duties, imposts and excises to pay the debts and provide for the common defence and general welfare of the United States, has given them thereby a power to do whatever *they* may think, or pretend, would promote the general welfare, which construction would make that, of itself, a complete government, without limitation of powers; but that the plain sense and obvious meaning were, that they might levy the taxes necessary to provide for the general welfare, by the various acts of power therein specified and delegated to them, and by no others.

Nor is it admitted, as has been said, that the people of these states, by not investing their federal branch with all the means of bettering their condition, have denied to themselves any which may effect that purpose; since, in the distribution of these means, they have given to that branch those which belong to its department, and to the states have reserved separately the residue which belong to them separately. And thus by the organization of the two branches taken together, have completely secured the first object of human association, the full improvement of their condition, and reserved to themselves all the faculties of multiplying their own blessings.

Whilst the general assembly thus declares the rights retained by the states, rights which they have never yielded, and which this state will never voluntarily yield, they do not mean to raise the banner of disaffection, or of separation from their sister states, co-parties with themselves to this compact. They know and value too highly the blessings of their Union as to foreign nations and questions arising among themselves, to consider every infraction as to be met by actual resistance. They respect too affectionately the opinions of those possessing the same rights under the same instrument, to make every difference of construction a ground of immediate rupture. They would, indeed, consider such a rupture as among the greatest calamities which could befall them; but not the greatest. There is yet one greater, submission to a government of unlimited powers. It is only when the hope of avoiding this shall become absolutely desperate, that further forbearance could not be indulged. Should a majority of the co-parties, therefore, contrary to the expecta-

tation and hope of this assembly, prefer, at this time, acquiescence in these assumptions of power by the federal member of the government, we will be patient and suffer much, under the confidence that time, ere it be too late, will prove to them also the bitter consequences in which that usurpation will involve us all. In the mean while, we will breast with them, rather than separate from them, every misfortune, save that only of living under a government of unlimited powers. We owe every other sacrifice to ourselves, to our federal brethren, and to the world at large, to pursue with temper and perseverance the great experiment which shall prove that man is capable of living in society, governing itself by laws self-imposed, and securing to its members the enjoyment of life, liberty, property and peace; and further to show, that even when the government of its choice shall manifest a tendency to degeneracy, we are not at once to despair but that the will and the watchfulness of its sounder parts will reform its aberrations, recall it to original and legitimate principles, and restrain it within the rightful limits of self-government. And these are the objects of this Declaration and Protest.

Supposing then, that it might be for the good of the whole, as some of its co-states seem to think, that the power of making roads and canals should be added to those directly given to the federal branch, as more likely to be systematically and beneficially directed, than by the independent action of the several states, this commonwealth, from respect to these opinions, and a desire of conciliation with its co-states, will consent, in concurrence with them, to make this addition, provided it be done regularly by an amendment of the compact, in the way established by that instrument, and provided also, it be sufficiently guarded against abuses, compromises, and corrupt practices, not only of possible, but of probable occurrence.

And as a further pledge of the sincere and cordial attachment of this commonwealth to the union of the whole, so far as has been consented to by the compact called 'The Constitution of the United States of America,' (constructed according to the plain and ordinary meaning of its language, to the common intendment of the time, and of those who framed it;) to give also to all parties and authorities, time for reflection and for consideration, whether, under a temperate view of the possible consequences, and especially of the constant obstructions which an equivocal majority must ever expect to meet, they will still prefer the assumption of this power rather than its acceptance from the free will of their constituents; and to preserve peace in the meanwhile, we proceed to make it the duty of our citizens, until the legislature shall otherwise and ultimately decide, to acquiesce under those acts of the federal branch of our government which we have declared to be usurpations, and against which, in point of right, we do protest as null and void, and never to be quoted as precedents of right.

We therefore do enact, and be it enacted by the General Assembly of Virginia, that all citizens of this commonwealth, and persons and authorities within the same, shall pay full obedience at all times to the acts

which may be passed by the Congress of the United States, the object of which shall be the construction of post roads, making canals of navigation, and maintaining the same, in any part of the United States, in like manner as if the said acts were, *totidem verbis*, passed by the legislature of this commonwealth.

[F, p. 499.]

Mr. Jefferson's Will.

I, Thomas Jefferson, of Monticello, in Albemarle, being of sound mind and in my ordinary state of health, make my last will and testament in manner and form as follows:

I give to my grandson Francis Eppes, son of my dear deceased daughter Mary Eppes, in fee simple, all that part of my lands at Poplar Forest lying west of the following lines, to wit: beginning at Radford's upper corner, near the double branches of Bear Creek and the public road, and running thence in a straight line to the fork of my private road, near the barn; thence along that private road, (as it was changed in 1817,) to its crossing of the main branch of North Tomahawk Creek; and from that crossing, in a direct line over the main ridge which divides the North and South Tomahawk, to the South Tomahawk, at the confluence of two branches where the old road to the Waterlick crossed it; and from that confluence up the northernmost branch, (which separates M'Daniels' and Perry's fields,) to its source; and thence by the shortest line to my western boundary. And having, in a former correspondence with my deceased son-in-law John W. Eppes, contemplated laying off for him, with remainder to my grandson Francis, a certain portion in the southern part of my lands in Bedford and Campbell, which I afterwards found to be generally more indifferent than I had supposed, and therefore determined to change its location for the better; now to remove all doubt, if any could arise on a purpose merely voluntary and unexecuted, I hereby declare that what I have herein given to my said grandson Francis, is instead of, and not additional, to what I had formerly contemplated. I subject all my other property to the payment of my debts in the first place. Considering the insolvent state of the affairs of my friend and son-in-law Thomas Mann Randolph, and that what will remain of my property will be the only resource against the want in which his family would otherwise be left, it must be his wish, as it is my duty, to guard that resource against all liability for his debts, engagements or purposes whatsoever, and to preclude the rights, powers, and authorities over it, which might result to him by operation of law, and which might, independently of his will, bring it within the power of his creditors, I do hereby devise and bequeath all the residue of my property, real and personal, in possession or in action, whether held in my own right, or in that of my dear deceased wife, according to the powers vested in me by deed of settlement for that purpose, to my grandson Thomas J. Randolph, and my friends Nicholas P. Trist and Alexander Garrett, and their heirs, during the life of my

said son-in-law Thomas M. Randolph, to be held and administered by them, in trust, for the sole and separate use and behoof of my dear daughter Martha Randolph, and her heirs; and aware of the nice and difficult distinction of the law in these cases, I will further explain by saying, that I understand and intend the effect of these limitations to be, that the legal estate and actual occupation shall be vested in my said trustees, and held by them in base fee, determinable on the death of my said son-in-law, and the remainder during the same time be vested in my said daughter and her heirs, and of course disposable by her last will, and that at the death of my said son-in-law, the particular estate of the trustees shall be determined, and the remainder, in legal estate, possession, and use, become vested in my said daughter and her heirs, in absolute property for ever. In consequence of the variety and indescribability of the articles of property within the house at Monticello, and the difficulty of inventorying and appraising them separately and specifically, and its inutility, I dispense with having them inventoried and appraised; and it is my will that my executors be not held to give any security for the administration of my estate. I appoint my grandson Thomas Jefferson Randolph, my sole executor during his life, and after his death, I constitute executors my friends Nicholas P. Trist and Alexander Garrett, joining to them my daughter Martha Randolph, after the death of my said son-in-law Thomas M. Randolph. Lastly, I revoke all former wills by me heretofore made; and in witness that this is my will, I have written the whole with my own hand on two pages, and have subscribed my name to each of them this sixteenth day of March, one thousand eight hundred and twenty-six.

TH: JEFFERSON.

I, Thomas Jefferson, of Monticello, in Albemarle, make, and add the following codicil to my will, controlling the same so far as its provisions go:

I recommend to my daughter Martha Randolph, the maintenance and care of my well beloved sister Anne Scott, and trust confidently that from affection to her, as well as for my sake, she will never let her want a comfort. I have made no specific provision for the comfortable maintenance of my son-in-law Thomas M. Randolph, because of the difficulty and uncertainty of devising terms which shall vest any beneficial interest in him, which the law will not transfer to the benefit of his creditors, to the destitution of my daughter and her family, and disablement of her to supply him: whereas, property placed under the exclusive control of my daughter and her independent will, as if she were a feme sole, considering the relation in which she stands both to him and his children, will be a certain resource against want for all.

I give to my friend James Madison, of Montpelier, my gold-mounted walking staff of animal horn, as a token of the cordial and affectionate friendship which for nearly now an half century, has united us in the same principles and pursuits of what we have deemed for the greatest good of our country.

I give to the University of Virginia my library, except such particular books only, and of the same edition, as it may already possess, when this legacy shall take effect; the rest of my said library, remaining after those given to the University shall have been taken out, I give to my two grandsons-in-law Nicholas P. Trist and Joseph Coolidge. To my grandson Thomas Jefferson Randolph, I give my silver watch in preference of the golden one, because of its superior excellence, my papers of business going of course to him, as my executor, all others of a literary or other character I give to him as of his own property.

I give a gold watch to each of my grandchildren, who shall not have already received one from me, to be purchased and delivered by my executor to my grandsons, at the age of twenty-one, and granddaughters at that of sixteen.

I give to my good, affectionate, and faithful servant Burwell, his freedom, and the sum of three hundred dollars, to buy necessities to commence his trade of painter and glazier, or to use otherwise, as he pleases.

I give also to my good servants John Hemings and Joe Fosset, their freedom at the end of one year after my death; and to each of them respectively, all the tools of their respective shops or callings; and it is my will that a comfortable log-house be built for each of the three servants so emancipated, on some part of my lands convenient to them with respect to the residence of their wives, and to Charlottesville and the University, where they will be mostly employed, and reasonably convenient also to the interests of the proprietor of the lands, of which houses I give the use of one, with a curtilage of an acre to each, during his life or personal occupation thereof.

I give also to John Hemings the service of his two apprentices Madison and Eston Hemings, until their respective ages of twenty-one years, at which period respectively, I give them their freedom; and I humbly and earnestly request of the legislature of Virginia a confirmation of the bequest of freedom to these servants, with permission to remain in this state, where their families and connexions are, as an additional instance of the favour, of which I have received so many other manifestations, in the course of my life, and for which I now give them my last, solemn, and dutiful thanks.

In testimony that this is a codicil to my will of yesterday's date, and that it is to modify so far the provisions of that will, I have written it all with my own hand in two pages, to each of which I subscribe my name, this seventeenth day of March, one thousand eight hundred and twenty-six.

TH: JEFFERSON.



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ERRATA TO VOL. II.

Page 10, line 26, for *directors* read *Directory*.

" last line, for *how the government could have read for the government to have*.

- 26, line 8, for *the most* read *in the most*.
- " " 10, for *never* read *we never*.
- 31, " 36, dele *it*.
- 47, " 15 and 16, dele *were* and *not*.
- 61, " 31, for *it* read *he*.
- 81, note, for *C*. read *B*.
- 91, line 29, dele *as*, and for *a child* read *as a child*.
- 103, " 2, for *usages* read *usage*.
- 112, " 2, for *state of policy* read *stroke of policy*.
- " " 4, dele *number of*.
- " " 6, for *secured* read *it secured*.
- " " 30, for *with* read *within*.
- 116, " 8, for *he proposes* read *he proposes to add*.
- 117, last line, dele *of*.
- 124, " 31, for *adopted* read *adapted*.
- 141, " 27, for *authorized* read *authorizing*.
- 142, " 7, for *was* read *as*.
- 147, " 5, for *merely* read *really*.
- 157, " 11, dele *the*.
- 229, " 27, for *accordingly* read *immediately*.
- 231, " 10, dele *who*.
- 247, " 6, for *it* read *they*.
- 260, " 14, dele *of*.
- 266, " 26, for *her trade* read *their trade*.
- 272, " 8, for *was* read *being*.
- 289, " 20, for *greater* read *great*.
- 299, note, for *or* read *for*.
- 323, line 15, for *is* read *are*.
- 330, " 28, for *view* read *vein*.
- 332, " 35, dele *the pending of*.
- 333, " 9, for *to consider* read *should consider*.
- 336, " 35, for *that* read *the amount*.
- 337, " 26, for *are set off* read *and set off*.
- 338, " 4, dele *so as*.
- " " 36, for *and which* read *and this*.
- 339, " 5, for *as* read *to*, and dele *to* in same line.
- 373, " 2, for *he* read *we*.
- 376, " 18, for *these as arising* read *those arising*.
- 377, " 25, for *discover* read *so as to discover*.
- 395, note, transpose *eastern* and *western*.
- 399, " for *mints* read *mint*.
- 406, line 9, for *have* read *have been*.
- 412, " 31, for *Hughes* read *Howes*.
- 414, " 27, for *would have likely* read *was likely*.
- 415, " 29, for *with* read *of*.
- 420, " 27, for *since* read *since introduced*.
- 423, " 15, after 1763 insert *continued*.
- 428, " 4, for *in* read *on*.
- 457, " 14, for *that* read *the*.
- 462, " 27, for *nations* read *nation*.



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